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S. HRG. 101-800

REVIEW OF EFFORTS TO PROTECT THE NEW JERSEY COAST

HEARING

BEFORE THE

SUBCOMMITTEE ON
SUPERFUND, OCEAN, AND WATER PROTECTION

OF THE

COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

MAY 21, 1990—MARGATE CITY, NEW JERSEY

Printed for the use of the
Committee on Environment and Public Works

U.S. GOVERNMENT PRINTING OFFICE
32-754 WASHINGTON : 1990

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

S321-39

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REVIEW OF EFFORTS TO PROTECT THE NEW JERSEY COAST

MONDAY, MAY 21, 1990

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, SUBCOMMITTEE ON SUPERFUND, OCEAN, AND WATER PROTECTION,

Margate City, NJ.

The subcommittee met, pursuant to notice, at 9:32 a.m. at the Municipal Building, Ventnor and Washington Avenues, Margate City, New Jersey, Hon. Frank R. Lautenberg (chairman of the subcommittee) presiding.

Present: Senator Lautenberg.

OPENING STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator LAUTENBERG. Good morning. It's good to be in this beautiful community on this beautiful shore in spite of the bad weather. I apologize for the late arrival, we would have been here earlier, but the weather delayed us.

We have with us this morning the Governor of the State of New Jersey and Congressman Hughes, who will be appearing very shortly.

The Subcommittee on Superfund, Ocean and Water Protection, which I chair, of the Environment and Public Works Committee of the Senate is going to review efforts to protect New Jersey's coastal waters. This weekend marks the beginning of the beach season. Before it's over, millions of people will have made their pilgrimage to the New Jersey shore. They will build sand castles, relax in the sun, cool off in the water, walk in the surf, and do all the things that delight so many of us in the summer at the beach. It's an experience one never forgets. It's one that is hard to duplicate for many. It's the highlight of the year, as it was for me—and many of you have heard this story too often—as it was for me when I was a child living in Paterson, New Jersey. We would come down to Atlantic City for a week, where I would share my grandmother's room.

Three years ago, our dreams of the shore were drowned in an invasion of garbage and medical waste. We were being sent a message, that we couldn't treat our coastal waters as a cesspool. Nature wouldn't take it any more. But nature will respond if we give her half a chance, and respond we did, at the Federal, State, local, and citizen levels.

In Washington we passed legislation to end the ocean dumping of sewage sludge and industrial waste. We prohibited the ocean incineration of hazardous wastes and the dumping of plastics into the ocean. We required New York City to clean up its garbage barge operations at the Fresh Kills landfill, and its discharge of raw sewage. We required the tracking of medical wastes, and we increased penalties for the dumping of these wastes in the ocean. We also overrode President Reagan's veto of legislation to strengthen the Clean Water Act.

We will hear about the status of these and other efforts today.

We have turned the corner on pollution off our coast, and word of our progress has spread. Our coastal tourist industry appears headed toward its best start in years. People have heard that the beaches are cleaner and that water quality is good. They want to come back to the shore.

That doesn't mean that we can simply pat ourselves on the back and go back to past practices. We have more to do, like reducing discharges from combined storm sewers and sanitary sewers. Whenever it rains, these combined sewers overload sewage treatment plants and discharge raw sewage, untreated industrial waste, and garbage, including syringes, into our coastal waterways.

We have to control runoff from our urban areas and agricultural areas which poisons coastal waters, and we have to increase pollution prevention efforts. If industry generates less pollution, less of it is going to find its way into our waterways. We must also be ever vigilant to the enforcement of existing law.

The Senate Environment Committee will soon mark up comprehensive coastal pollution legislation. It will include the major elements of a bill that I produced, called the Comprehensive Ocean Assessment and Strategy Act, or the acronym COAST. Our bill will expand efforts to address combined sewage overflows, agricultural runoff, and stormwater discharges. And it will require that industries demonstrate that they can reduce the amount of wastes they generate and discharge.

The committee also will adopt water resources legislation which includes my bill to require the Corps of Engineers to continue its garbage cleanup efforts in New York Harbor.

There are other important efforts ongoing to protect our coast. We need to pass a strong Clean Air Act. Atmospheric deposition may be a significant contributor to coastal pollution.

I am working with a distinguished colleague, Congressman Bill Hughes, who is here and who is a leader on all of the efforts that one can think of to clean up the beaches and the ocean and to make sure that we have the kind of environment that people want when they think of visiting the seashore. He and I are working very closely together on a bill that Congressman Hughes originated, on the Beaches Environmental Assessment, Closure, and Health Act, to require coastal States to test their waters to ensure that they are safe to swim in. What Congressman Hughes and I and others are looking for is to make sure that what we ask of ourselves in New Jersey, the kinds of conditions that we talk about, are those that are met equally in other States. We don't believe that the problems that we had in New Jersey were essentially different from other States, except for one thing in New Jersey. As

you know, from our relatively new Governor's tenure, we call it like it is. We mean what we say and we say what we mean, and we think that people who come to visit are entitled to know the condition. Well, we want to make sure that everyone across our coast has the same advantage.

We also need to continue to resist Administration attempts to cut funding for sewage treatment facilities. Properly operating facilities are essential to the health of our coastal waters. We need to address the threat to coastal waters posed by oil spills. The Valdez oil spill has demonstrated all too visually the adverse effect that oil can have in our coastal waters. Unfortunately, there have been too many oil spills in New Jersey waters in fairly recent times.

The Congress is now working to resolve differences between the Senate and House versions of oil spill liability legislation. The bill will triple liability limits to anyone who spills oil. This will provide a strong incentive to oil companies to act more carefully when they are transporting oil in the water. It also requires the Coast Guard to review cleanup plans so that we are assured that oil companies are prepared to clean up any oil that is spilled.

We can keep our beaches clean and maintain the quality of our coastal waters if we all work at it.

Our witnesses today have had a major impact on our cleanup efforts, and I look forward to hearing their testimony and their commitment to keeping the shore clean.

I want to particularly welcome our Governor Jim Florio. I worked with Jim in all of the years that I was in the Senate. Jim Florio, as a Congressman, led the effort to clean up Superfund sites. He authored that legislation. He led the efforts to dispose of hazardous wastes and to track medical wastes.

As Governor, Jim Florio continues to take the lead in efforts to reduce the amount of waste that we generate. He is working hard to enforce our State's environmental laws.

Governor Florio came to Trenton with outstanding credentials as an environmentalist, and we are very confident that he will continue to press—as he did before—to make sure that the environment in New Jersey is one that all of us can be proud of, one that we can live with, and with a special emphasis on our most precious natural resource in this State, our New Jersey shore.

It is fitting that Congressman Bill Hughes, and now Governor Florio, and I get together. The three of us spend a lot of time working on issues that affect the quality of our environment, to make certain that the shore and the beaches as much as possible resemble a little bit of yesterday, but I don't want to get too nostalgic about a period of time not too many years ago, when one never had to worry about a day at the beach, when you could come here thinking only about relaxation and fun and good, healthful activities. There was a period of time when some ugliness intervened, when we became careless, when we overworked the system, when—as I said earlier—the sea screamed out at us to please stop.

So it is a pleasure to have Governor Florio here with us. We invite you to testify, Governor, and we look forward to hearing your remarks.

STATEMENT OF HON. JIM FLORIO, GOVERNOR, STATE OF NEW JERSEY

Governor Florio. Thank you very much, Senator. I am especially pleased to be able to be here on the same panel with my good friend and former congressional colleague—still colleague in Government—Bill Hughes.

As you stated, we have worked together for a long period of time and I am very proud of that association and the results of that association.

In the interest of conserving the committee's time, I have a full statement and I would ask that the statement be put into the record in its entirety. I will attempt to abbreviate my statement.

Senator LAUTENBERG. Without objection, so ordered.

Governor Florio. Thank you very much.

I think it is clear that there is a need for State-Federal cooperation in dealing with many of the concerns that you have outlined in your opening statement. We have worked, and will continue to work, to ensure that the Federal-State cooperation to protect the environment, particularly here in New Jersey, protects our Jersey shore.

I am also pleased to be here for another reason, and that, of course, is the fact that it's almost summer. It means a lot to people here in New Jersey that we have a safe shore. I want everyone across the Nation to know that the New Jersey shore has never been better. Few places in the world rival our 127 miles of shoreline, wide beaches, and our brisk, bracing ocean water.

So I am pleased to be able to convey to you that we are going all out to make sure that the shore stays clean. We expect a healthy increase in the number of people who enjoy the Jersey shore this summer.

There is a new type of lifeguard on duty: scientists, activists, engineers are all pitching in. Thousands of people are helping to pick up at the shore. We are also testing the water, and we are watching from helicopters above the water. We go at low tide to the banks of our rivers and our bays, picking up material that would eventually refloat and make it to the beach. As of last week we had picked up 1.5 million pounds of garbage that we won't see at the shore this summer.

We are also skimming the water, with help coming from the Army Corps of Engineers. We are capturing floating debris.

I applaud your efforts and the efforts of our colleagues in the Congress, Bill Hughes, Frank Pallone, and others, in attempting to pass legislation that would require the Corps to continue to give us that type of assistance.

If we wait for the pollution to make it into the water, though, we're going to be fighting a losing battle. So we've got to go right to the potential pollution sources before the fact of pollution takes place.

For the first time, thanks to the lawsuit that was initiated in previous years, New York City will put "superbooms" around the Fresh Kills landfill on Staten Island. That landfill, as I think we all know, is the largest in the world. It has been responsible for

much of the pollution that works its way, particularly onto our northern beaches.

This coming Wednesday in Asbury Park I will also sign the Nation's toughest Clean Water Enforcement Act that the legislature just passed in the last few weeks. That will give us the tools to make sure that we are protecting our lakes and our streams and our rivers, as well as our ocean.

By monitoring medical wastes from the cradle to the grave, we will make sure that it doesn't rest on our beaches along the way.

Last week, helicopters began flying up and down the coast. The word from the sky is that all is clear. Out of those helicopters if they do see floating garbage slicks, they will head them off before they reach the beaches. If anything gets by us, we will know it because we are testing water quality up and down the shore. We tested 335 sites, the most extensive ocean testing program in the world. It is ironic, of course, that our testing program is so rigorous, much more than any other State in the Union, and we are so open with our information that people tend to pay more attention to water quality here in New Jersey than anyplace else in the world. That's why I was very pleased to see you and Congressman Hughes working actively to propose that we provide Federal standards for ocean water testing. I hope for the Nation's sake that those standards are as tough as the standards that we adhere to here in New Jersey.

Even though our testing is the best in the Nation, we are still not satisfied. Our Department of Environmental Protection is a partner in a $100,000 study to improve our water testing capability.

I have also put to sea for the second year in a row a state-of-the-art water monitoring vessel. Pollution, again, doesn't come out of thin air. It exists because of factories and, sad to say, people who aren't careful—or worse, they just don't care.

It's up to everyone who comes to our shore to clean up after themselves. All potential polluters, large and small, have to understand that you can no longer "throw away and get away." That's why I've appointed the first State Environmental Prosecutor in the Nation. Steve Madonna is his name. So to anyone thinking of polluting our water and our beaches, the advice is: don't. Because it won't be just our garbage that we pick up. We'll pick you up, as well. The garbage will go to the dump, and potentially, you can go to jail. We take very seriously our responsibility to protect the Jersey shore, not only so that we can enjoy it, but so that it will be around for years to come and our children and grandchildren are able to enjoy it as much as we do.

There is still more that we can do. The oil spills in the Arthur Kill, the Valdez incident in Alaska, should all be warnings that we need to be very vigilant to any threat to our beaches. That's why I was very pleased to see you, Senator, proposing a bill that will greatly increase the liability of some of the petroleum people, the oil companies, in this regard.

It took a lot of hard work to clean up the mistakes of yesterday so as to be able to make the shore ready to enjoy this summer. The key now is to prevent the mistakes of tomorrow so that the Jersey shore is always ready, every summer, into the future.

I am pleased to be here and to be identified with your initiatives, and to say that I have always been proud of our Congressional delegation from New Jersey, that each and every individual has attempted to be sensitive to our concerns. Now, of course, I am the beneficiary here in the State of that Congressional activism in the environmental area. I commend you for not only what you are doing here today, but what you do day in and day out in Washington on behalf of the people of New Jersey—perhaps, in some respects, even more importantly, on behalf of the Nation—to ensure that we have clean water and clean air.

Thank you very, very much.

Senator LAUTENBERG. Thank you very much, Governor.

Governor FLORIO. I would be happy to respond if you have any questions.

Senator LAUTENBERG. Thank you for the kind remarks, as well. We have all worked together. I don't think there is a congressional delegation that better understands the nature of the resource of the New Jersey shore. We have our special advocate in Congressman Hughes, who often leads the fight, but we are working together.

Governor, what kind of expectations might we have, in your view, for coastal tours this summer?

Governor FLORIO. So far, the information that is coming in is good. Beach rentals are up. We hope that in large measure it is because people have confidence in the shore.

As a practical matter, I have also heard some of the economists indicate that people are a little bit economically apprehensive, and therefore they would be inclined to stay closer to home rather than go off to some other area which would provide some benefit or other.

But I'm cautiously optimistic that we're going to have a good summer. As I said to you in my comments, we have undertaken a whole host of new programs to try to make sure that we monitor, that we avoid any potential problem. I have charged our new Environmental Prosecutor, Steve Madonna, with enforcing our laws and sending the message out that we have laws that will be enforced. I think that should serve as a deterrent to those who might not be as cautious as they might be, or to those who are just cavalier about their responsibilities.

So I think we're going to have a good summer.

Senator LAUTENBERG. The one thing that I think all of us know, Governor, from your past in the Congress and your activity thus far as Governor is that there is going to be not only a rigorous pursuit of those who would pollute, but also vigorous attempts to keep things going.

I commend you. We've had a lot of commentary in Washington about the appointment of the Environmental Prosecutor. Other States are watching this bold initiative, and we wish you luck with that.

If we're going to have clean beaches and clean water, we need the Federal and State bodies to be working very closely together.

How would you characterize the Federal participation level, that you see in terms of our joint efforts?

Governor FLORIO. I think the cooperation has been good. The difficulty, of course, always comes down to some fundamentals, usually like money.

In some instances over the last number of years we have seen a retreat from what I regard as a proper sense of Federal responsibility, largely in the area of authorizations. You made reference in your comments, and I know Bill Hughes and I have worked on the Clean Water Act proposals, that as we all acknowledge, one of the major problems that we have in the ocean has always been inappropriately-treated sewage effluent, so that as we try to upgrade our plants, as we try to get off of reliance on combined storm and sanitary sewage systems, we're going to have to put some capital into the upgrading, as well as into the conversion over to systems that are better than combined storm and sanitary systems.

The Federal Government, up until the last 8 or 10 years or so, has always been a major participant in the funding. That funding has diminished. My recollection is that this is the last year when the Federal grant program will exist.

What we would like to see is higher authorizations so that New Jersey would be able to qualify if, in fact, we can make the criteria—and I'm convinced that we can—for some money so that we can upgrade our sewer systems. That's the major area of concern. It has not been the absence of cooperation, it has been that as the pie has shrunk, New Jersey's ability to qualify has shrunk.

We think there is a need on a national basis for more involvement with clean water, not less.

I guess what I would just urge is that as you deal with the budget dilemma in Washington, as we're trying to deal with the budget dilemma here in the State, that there be a sense of the need for a larger portion of the pie, however big the pie is, to be allocated to environmental concerns in general and sewage treatment capability in particular.

Senator LAUTENBERG. The undertaking for a sewage treatment facility is so enormous that it would be a rare State, if any, that can handle the responsibilities for doing that by themselves. The Federal Government chose, with the Clean Water Act, to involve itself. We had a visitor a couple of times in 1988 who said that given the opportunity, he—George Bush, the candidate at that time, now President Bush—would be the environmental President. But so far, his programs resemble those of his predecessor in terms of constantly attempting to reduce funding for sewage treatment facilities. We have overridden a veto on occasion. That's very tough.

How important is the Federal share of funding for sewage treatment plants?

Governor FLORIO. Well, as you know, the Federal laws and requirements have not been changed. Therefore, if the laws are the same and you are requiring everyone—as you are, and as you should be—to adhere to the upgrading of the standards, and you take away a portion of the money, that means the money is going to have to come from somewhere else. I suspect what we've been seeing is that as the responsibilities are passed down, they ultimately—it's appropriate that we are here in a municipal hall—they ultimately get passed down to the local property tax payer in

one form or another. So we're not really talking about saving tax revenues. We're talking, in a sense, about playing a little bit of a game, but they're being passed to other areas.

I am convinced that there is a bipartisan consensus that can be developed supporting some of these types of programs. I know that as I deal with the State legislature, as I deal with county officials and local officials, this is something that transcends any sense of partisanship. It is a matter of just trying to focus on the rationale, and then making the hard decisions about getting the resources that are then allocated in accordance with a sense of priorities that I think most people would sign on to.

Senator LAUTENBERG. Governor, do you have any kind of an estimate of what it might take within our State to bring the facilities—the combined sewage programs that we have to work on, the rehabilitation of some plants—we are gaining on them. In Asbury last year we had a new sewage treatment plant opened.

Do you have any idea of what it might cost?

Governor FLORIO. I can provide you some specifics for the record.

[The information requested follows:]

According to the New Jersey Department of Environmental Protection's (DEP) most recent needs survey in 1988, the State of New Jersey has approximately $800 million of combined sewer overflow (CSO) improvement needs.

Governor FLORIO. Almost by definition, there is going to be some variance between what estimates could be provided, depending on how rapidly you want to go forward.

What we are trying to do in trying to make the best out of a bad situation is going more and more to the developing community to ask them, through impact fees, to put in more resources. I'm not offended by that. I am reconciled to the fact that the grant proposal is over, and I'm not unprepared to deal with the revolving loan fund approach. But all we're suggesting is that there ought to be more money there so that we can qualify for some of those loans, and we will leverage those monies at the local level or the county level, as well as the State level.

So we are really looking for higher authorizations, and then it can be the Congress and the President that make the determination as to how much should be appropriated out of those authorizations.

Senator LAUTENBERG. Right. We have tried our best to keep the Clean Water Act funding level going on into the future, and finally had to succumb to a nine-year program that was roughly $2 billion a year. I am reminded by my assistant that an estimate that was developed for New Jersey was as much as $3 billion. Your information may either confirm or challenge that, but if it's anywhere near that—we looked at a Federal program that's $2.4 billion a year, and then the President requests numbers that are as much as $800 million lower than that. It just puts all of the States and all of the people in the country at a risk and at a disadvantage that they don't like.

One of the things that we have, Governor, we do have a source for developing some budgetary help, and that is that as peace is made around the world, we ought to take a piece of it and clean up the environment and do that fairly quickly instead of debating

whether or not peace is on its way. It certainly is, and we should take advantage of that.

Finally, Governor, your testimony suggests that the medical waste tracking program is working. What do you think about extending that to your demonstration program? Should we expand it?

Governor FLORIO. I think you should extend it, but I will share with you my view of that program from the point of inception.

It is an inventorying process to learn where the medical wastes come from and where they go. At some point, and I'm not sure where that point is, we should take the information that we have gathered and use it, because the approach is not merely to know. It is ultimately to spell out procedures and standards for disposing.

I have always considered this area of disposal of waste ultimately to be something that should be fed into the Resource Conservation and Recovery Act, which spells out how you dispose of solid waste, how you dispose of hazardous wastes. The argument at some point was that we didn't know that much about medical wastes, and therefore let's track and see where the wastes come from, what the different categories are. But I would think you would take that information that you gained from this essentially demonstration project, and then at some point spell out what wastes that come from what types of facilities can go where.

So I just see this as an interim inventorying of the information, later to be put to use as a medical waste disposal system that we have, rather than just academically learning about where it comes from and where it goes.

Senator LAUTENBERG. One other thing before we let you go, Governor, is that I think anyone who has watched your actions in public life knows how focused you are on gathering information. You and I shared in developing a piece of legislation in 1986 to make the Right to Know Act part of Superfund. What we finally learned, after getting that mandate through a tough bureaucratic structure and a very reluctant Administration at that time, is that there is so much material being poured into the atmosphere—the air, the ground, and the water—that companies have chosen in many cases to recover that material because it has value. It is consistent that you say here, "Let's take this information and use it," so we stop developing programs without having a firm foundation. But it is consistent with the record that you have developed over the years in Congress.

Although we miss you in Washington, Governor Florio, we are delighted to see you here and we thank you very much for your time.

Governor FLORIO. Thank you very much, Senator.

Senator LAUTENBERG. We are now going to invite Congressman Bill Hughes, my colleague and friend, as we say in Washington, from the "other body." That's not a body of challenge; it is a body of support, and Congressman Hughes, whom I think everyone here knows, has established a record of integrity and decency and hard efforts on behalf of his constituents and the people of the country that all of us are proud of. He is tough on crime. He is tough on operations of the Government, and he is also very tough on those who would pollute our environment. There isn't a Congressman in the delegation who I hear more from about the interests of his dis-

trict than Congressman Bill Hughes. He is always there with information and knowledge. It is easy to work with Bill Hughes because he is so well informed and so diligent about his efforts there.

We welcome you here today, Bill, and invite your testimony.

STATEMENT OF HON. WILLIAM J. HUGHES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. HUGHES. Thank you, Senator Lautenberg, for inviting me to testify here today. I think this is the first time I have testified before your subcommittee and I consider it a privilege.

As you know, Mr. Chairman, I have represented the southern New Jersey area and attended to the environmental concerns of the people who live in this district for almost 16 years. I believe that we have made significant progress in solving many of New Jersey's environmental problems. Happily, we are beginning to take preventive action, a proactive stance, as opposed to just reacting to crisis after crisis, which has been the case for too many years.

I am delighted to be here with our former colleague, the Governor of the State, because the three of us have worked together on a lot of environmental initiatives. Frank, I join with you, and while we miss Jim Florio in the Congress, because he has been one of our leaders, particularly with regard to the environment, we know that he will go on to bigger and better things here in the State where he'll be able to implement the new policies that we've developed.

The ocean and beaches, as you know, are an integral part of our lives and economy here in south Jersey. Protecting them has always been one of my top priorities, as I know it is yours. A few years ago our tourist industry suffered tremendously from reports of medical waste and other garbage washing up along our shoreline. However isolated or short-lived, these episodes should never have happened. Unfortunately, in the past we have treated the ocean as a repository of first resort. When we did not know what to do with something, we dumped it in the ocean. We have paid a very dear price for this shortsightedness in the last few years.

Fortunately, we have reexamined those policies and have developed new ocean policies and strategies to reverse those years of neglect and abuse. We have seen the passage of the Medical Waste Tracking Act, the Plastic Pollution Research and Control Act, and the Ocean Dumping Ban. As a result, the water quality in New Jersey is much improved over what it was just a few short years ago.

In 1988 I was very pleased to join with you, Governor Florio, and our other colleagues in the Congress—Tom Carper of Delaware, Roy Dyson of Maryland, Bob Borski of Philadelphia, and Tom Foglietta of Philadelphia—in sponsoring the Medical Waste Tracking Act in order to stop the incidence of medical waste washing up on New Jersey's beaches. This legislation required EPA to develop a comprehensive strategy to halt the dumping of medical waste in the ocean. It also established a system to track the handling and disposal of those wastes. An adequate system did not exist before this law was enacted.

The Plastic Pollution and Research Act that was passed in 1987 prohibited the dumping of plastic anywhere in the marine environment. It implemented an international treaty to prevent ships—including military vessels, from dumping their plastic debris at sea. The Plastic Waste Study Act, which you and I developed, was incorporated into this law to determine the types, the quantity, and the sources of plastic debris entering the marine environment.

Plastic is a persistent material. It lasts up to hundreds of years and represents one of the most serious solid waste problems. In the marine environment, however, it represents much more than just trash. Plastic materials are responsible for the deaths of tens of thousands of seabirds and 100,000 marine mammals each year. These animals die as a result of ingesting or becoming entangled in plastic debris.

Mr. Chairman, I am very proud to have been one of the authors of the Ocean Dumping Ban Act. As my Senate counterpart in the development of this initiative, we are both very much aware of the major legislative effort required to enact that particular legislation against a lot of opposition.

Ocean dumping has been a source of pollution for the better part of a century. With the enactment of the Ocean Dumping Ban Act, all ocean dumping of medical and municipal and industrial wastes in the ocean is scheduled to cease by the end of 1991.

These were past successes, and I believe they have all contributed to an improvement in New Jersey's water quality. I now turn my attention to two important pieces of legislation that are before the House Merchant Marine and Fisheries Committee.

The Coastal Defense Initiative of 1989 will expand our efforts to address coastal pollution that results from point source and nonpoint source pollution. This bill outlines a comprehensive strategy to provide for: stronger national standards addressing marine disposal activities, better monitoring programs, stricter enforcement, efforts to control marine pollution from land-based sources, and increased funding for State and local programs.

The key to this legislation is the call for a Federal, State, and local partnership in implementing coastal protection programs. I want to congratulate you, Mr. Chairman, in offering a similar initiative in the United States Senate. I believe you described it a little while ago as "COAST" legislation. I look forward to working with you in the coming months in passing the Coastal Defense Initiative and sending it to the President this year for his signature.

Earlier this year I introduced what I consider to be companion legislation to the Coastal Defense Initiative: the Beaches Environmental Assessment, Closure, and Health Act of 1990, which you alluded to earlier. The B.E.A.C.H. Act would require uniform beach testing and monitoring along coastal and Great Lakes States. This bill will give assurance to the public that their bathing and recreational waters are safe to swim in and pose no threat to health.

It is ironic that New Jersey, which has strict regulations for beach testing and monitoring and aggressive enforcement of beach closures, should have to endure a tarnished image as a result of its responsible policies. We are proud of a policy in New Jersey that says New Jersey beaches and ocean waters are clean and safe, or they are not open to the public. In comparison, many other coastal

States have less frequent testing and monitoring, some States issue advisory warnings instead of closing their beaches, while some States, have no beach monitoring program whatsoever.

I have attempted to address these inadequacies in the B.E.A.C.H. Act. I believe that all coastal States should be required to respond effectively and uniformly to high levels of pathogens and floatable debris. The public has a right to know the true water quality of their bathing and recreational waters. I am very excited about the passage of this bill and I am looking forward once again, Mr. Chairman, to working with you to see that it is enacted in the Congress and sent to the President this year.

I believe that some of the initiatives outlined today are part of a master plan for cleaning up the coastal and marine environment. We could talk about so many other initiatives today. You and I are in conference right now on the oil spill compensation legislation, which will enable us to begin to develop initiatives and strategies to deal with oil spills of all kinds; the technologies to do it, the resources to do it, a tax on polluters so that we have a fund to do it, to develop the kind of pre-positioned equipment around the country—hopefully, one such here in New Jersey—so that we can respond immediately and not suffer like we did in Prince William Sound, a catastrophe that we suffered because we didn't respond in a prompt fashion.

We have not taken a shotgun approach. Maintenance of a strong commitment to the environment, diligence in identifying solutions to problems, and careful planning in implementing these solutions will continue to bring the desired results: improved water quality, a cleaner, healthier and safer beach, and Federal, State, and local cooperation in bringing about preventive coastal protection programs.

Mr. Chairman, I salute you for your leadership and deep commitment to improving our Nation's water quality. I sincerely believe that future generations will likewise thank you for your vision as we improve our environment and develop forward-looking ocean policies in the years ahead.

Thank you.

Senator LAUTENBERG. Thank you very much, Congressman Hughes. We have worked and do work together on lots of things, transportation for example, as well as environment, all of which are things that each of us can do to make your district and our our State the kind of place that all of us believe it can and should be. The neglect that was there for so many years is no longer able to be ignored. People in the community are just sick and tired of it. They're not going to take it any more when the ocean screams back at us and effectively regurgitates this volume of trash that we forced it to consume. That tells us loud and clear that even God's given gift, Nature herself, is just not going to permit man to spoil everything.

We are encouraged by the results we see, even in New York Harbor leading up to the Hudson River. We're beginning to see species of fish returning. Striped bass and even salmon are developing in fairly large numbers. They still carry too much contamination to be consumed off the shelf, but the fact is that it's always a thrill for me, and I'm sure it is for you, to talk about the "world

series of bird-watching." Years ago that would have brought a snicker. Today it brings a lot of interest, because when you see the birds fly and stop along the way in your district—which you have very cleverly arranged, Congressman, that yours is a major point for rest and rehab for birds along the way—it tells us that we have a chance against pollution and that we have a chance to preserve some of the things that are so precious to us today, and also for future generations.

I wanted to ask you, Bill, what are the prospects for your beach testing bill in the House? What has been the reaction of our friends from the other States to your bill?

Mr. HUGHES. Well, there has been some opposition, as you know. The New York Commissioner came in and testified—the Water Commissioner—against it. But of course, he came in and testified against our Ocean Dumping Ban also a few years ago, as you well know, so there is some opposition.

But I think the equities are with us. It's a public health issue. It's an issue of fairness. I think people generally understand that the public has a right to know about the quality of water. It's ironic that we probably have some of the cleanest and safest water anywhere around, and because we are so diligent in publicizing water quality, tourists will often go to other areas where the water is nowhere near as clean. But they're not as careful in letting people know the nature of the water quality.

So I'm optimistic. And of course, with your help—you are in a very key position on the Senate side, and as we move the Coastal Defense Initiative and the COAST bill through the Congress, we're going to have a lot of opportunities to tack on this uniform testing of water quality bill. So I am optimistic that we'll get something out of this Congress.

Senator LAUTENBERG. I think it's pretty obvious that those who would oppose this kind of legislation must believe somehow or other, down deep, that their waters are cleaner, that they are safer. It's just not true, because what affects one of us affects all of us. There may be a point in time when we get a little bit more than our neighboring States, but I'm not surprised to hear that New York had a representative that wasn't anxious to talk about this.

Mr. HUGHES. And the Administration opposes it, surprisingly. That's probably because they don't want to spend any more money on a program such as this. The resources that would be committed are de minimis compared to the health risks that are involved and the basic equities involved in the issue.

Senator LAUTENBERG. I think it's fair to say that one of the things that we've both seen in Washington is that when it comes to the clean air bill, when it comes to global warming, when it comes to ozone depletion, we have a policy in the Administration that isn't very positive about getting to the solution to those problems. I nicknamed the policy down there after one of the more trusted aides to the President, and it's "Just say no." What has been happening, whether it's participating in international fora where we can make a contribution, where we can invite others to follow our leadership in fighting global warming, there has been not only reluctance but a total unwillingness to participate.

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Two weeks ago a decision was made—and you're well aware of this, Bill—to avoid contributing $25 million to a third world country's effort to reduce CFCs, which are responsible in large measure for consumption of the ozone layer, $8 million a year. Now, $8 million is not insignificant of and by itself, but it is very insignificant when you consider the cost to the environment and perhaps to the health of future generations. Out of our total budget of over $1 trillion, $8 million, and we said no.

So it's up to you and me to continue to fight these battles.

I am pleased to note, Bill, that New York City finally, after what I will call a lot of less than gentle prodding by you and me and others who wrote legislation to stop ocean dumping, finally has devised system where they're committing lots and lots of money to handle the Fresh Kills garbage dump—landfill, as they call it politely—in better fashion, the transfer of trash from barge vessel to land, to make sure the nets are out there, to make sure that people are trained, because they know that otherwise we are going to come down hard and swiftly with legislation that is going to make them pay a much heavier price. You can see the results of that as time has gone by.

Mr. HUGHES. You know, they wouldn't be making those kinds of commitments if they were not forced to do so.

Senator LAUTENBERG. Absolutely.

Mr. HUGHES. They came in kicking and screaming, and we basically had to pass legislation over their opposition to force them to do it.

Senator LAUTENBERG. You know, even the people who live in those communities who live on the New York side of the river don't want this debris and this trash washing up on their beaches. So it took a lot of head-knocking to get their attention, but we're going to continue to do that, Bill. We'll fight our battles together.

Let me ask you this. What do you think the most pressing problem is that our coastal waters face? And how might we address it or them?

Mr. HUGHES. I think the most serious problem now is the combined sewer overflow problem, and the problem of runoffs of all kinds. And that's going to be a much more difficult problem to deal with because it's a resource problem as much as anything. We're talking in terms of billions of dollars that would be required to correct some of the deficiencies in our storm drains, in our combined sewer overflows, in the northeast in particular, the older cities. New York has a mind-boggling problem. We're talking in terms of billions and billions of dollars to correct the deficiencies there.

Less so, but still a major commitment, as you well know, there are urban centers in New Jersey that have to deal with that problem. And that represents a significant contributor to ocean pollution.

Senator LAUTENBERG. I read with interest yesterday that a quarter inch of rain in New York City, which is not a lot of rain, forces the sewers to overflow. And since there is a combination of sanitary and storm sewers together, that will cause the discharge of raw sewage right into the tributaries of the Hudson and the New York Bight, and it comes here.

Bill, one thing. There is a lot of arduous detail that we go through almost daily in Washington, and sometimes what happens is that the goal gets obscured by the process and drudgery sets in, and you don't think that this can happen or that that piece of legislation is going to make it. That's every time we do something, every time we get something through, and you've experienced that. But when you look at what's happening now with the containment of garbage at Fresh Kills or the elimination of ocean dumping—it is technically still legal, if you have a permit, to dump sewage sludge in the ocean until the end of 1991. But most of the people who are going to dump it have figured out ways to get out of the ocean. I don't know whether you've seen it, but I've seen it, that they are already starting to see signs of shellfish growth in what used to be the old sludge dump site. Of course, they have to cleanse themselves, and our fishermen are pretty clever in figuring out ways to do that by transporting them from one area to another and giving the shellfish a chance to go through the process of internal washing. But when you see it happening, and you say, all of that dead sea that was out there is now being restored to a vital, contributing place in our ocean, it makes it all worth it, doesn't it?

Mr. HUGHES. It does. I remember as a boy, growing up in Penns Grove, walking along the Delaware River, and seeing hundreds and hundreds of fish that could not survive in the Delaware. The Delaware has been cleaned up, as you know. We are now catching stripers and other fish in the Hudson once again.

So if given a chance, it will rejuvenate itself, but you can't punish it as we've punished these waters and still expect the waters to be clean. With the condition of the combined sewer overflow, hopefully, we can continue to keep New York City on line so that we can move from primary to secondary treatment of effluent. New Jersey is on line, as I understand it, with secondary-treated effluent. Not so with New York City. I understand that millions of gallons of raw sewage still go into the Hudson because we do not have the capacity in New York City to treat the sewage.

Senator LAUTENBERG. It's a national battle. Unless it's treated that way by the Administration as well as the legislature, it's not going to happen.

Thank you very much. It's a pleasure to have you testify, for a change, in front of my committee, Bill, instead of me testifying in front of your committee, but we do these things together, and I look forward to working with you.

Thanks very much.

The next witness is Bill Muszynski. Bill, we invite you up to testify. Nice to have you here with us.

William Muszynski is the Deputy Regional Administrator of Region II, which is the region that supervises activities in our State.

We are pleased to have you with us. We have worked together in the past and we look forward to continuing to work together, and I look forward to your testimony. I won't place you at any kind of a disadvantage, but I will say that I believe that you understand what we need to do to solve our environmental problems, and that you can't be responsible for the funding or the attitudes occasionally. I'm not attributing anything that comes out of Washington to

you, so we know you are diligent about your responsibilities, Mr. Muszynski. We look forward to hearing from you.

STATEMENT OF WILLIAM J. MUSZYNSKI, DEPUTY ADMINISTRATOR, REGION II, ENVIRONMENTAL PROTECTION AGENCY

Mr. MUSZYNSKI. Thank you, Mr. Chairman. Actually, I thought I was going to be here on a better day, with some of the weather we've been having lately. It's unfortunate that it's raining today.

I have submitted a lengthier report which I would ask to be put into the record, and I will try to summarize.

Senator LAUTENBERG. We will see that that's done.

Mr. MUSZYNSKI. I look with anticipation at this summer, that the beaches that are out there can be enjoyed by millions of residents and visitors to New York and New Jersey, because these are some of the finest beaches to be found anywhere. It wasn't too long ago, however—1987 and 1988, in fact—that we were stunned with a series of very real events and a litany of reports that suggested our ocean waters and beaches were trapped in a downward spiral of degradation. We had significant washups of floatables, including medical waste; closure of beaches due to sewage treatment plant malfunctions; reports of diseased lobsters and crabs at the edge of the continental shelf; and dead and dying dolphins washing onto the beaches.

I am happy to say that concentrated efforts at the Federal, State, and local levels in the last few years have made a difference, and we are mobilizing to implement measures that offer hope of resolving some of the more intractable pollution problems of our coastal areas.

What I'd like to do is basically highlight four areas that we're involved in, among others. One is the Floatables Action Plan; the implementation of relatively new laws, such as the Medical Waste Tracking Act and the Ocean Dumping Ban Act; the Combined Sewer Overflow Program, and the status of our estuarine and bight restoration studies.

To address the floatables problem, in the summer of 1989 EPA led an initiative—a proactive attempt—at intercepting floatable materials in the New York/New Jersey Harbor Complex. The attempt was to collect before it got into the ocean waters, where it would be available to wash up on our bathing beaches. This innovative and cooperative effort between New Jersey, New York, New York City, the Coast Guard, the U.S. Army Corps of Engineers, and EPA consists of entrapment and collection, using Corps of Engineers vessels, on a routine and nonroutine basis of slicks of debris in the harbor complex. We use helicopters, both the State and the EPA helicopter, to direct the vessel to specific points to pick up these slicks.

Routinely, the vessels are located at the Verrazano Narrows and the Arthur Kill during high tides and high storm events, because our studies have shown that that's where these slicks will appear after those events. On a nonroutine basis, the helicopters will then direct the vessels to an area where we see a large slick.

Last year this operation collected some 461 tons of material out of the harbor waters. Ninety percent of that was wood. It repre-

sented an investment of about a million dollars by the agencies. It was combined with the Inner Harbor Shoreline Cleanup Program that both New York and New Jersey participated in. New Jersey alone collected 3,000 tons of materials off of some 28 miles of shoreline.

We think the results were extremely successful, with only two one-day beach closings as a result of washups. We have resumed this program in 1990 and tried to put improvements into it that we found as we were working through it, and we have also expanded it to include the non-summer months as well. During the non-summer months we primarily focus on what we would call nonroutine cleanups, which means essentially that our helicopter would identify any slicks and direct the Corps vessel to it, as opposed to being stationed at high tide events at Verrazano and Arthur Kill.

We recognize it, however, to be a short-term program because we know that there is a need to implement onshore programs to prevent the material from getting into the water in the first place. We have recently announced the availability of some $2 million of Federal funds for New York City to construct two additional marine debris collection vessels to supplement the Corps vessels. We also expect to supply them with another $600,000 to improve the Dunkers method of combined sewer overflow, which is a method that can be applied to some combined overflow sewer areas, where you can actually collect the material behind a mesh—not only the material itself, but you can collect some of the water and skim it at a lower flow period.

These programs, in combination with some favorable winds and the redoubled efforts of all the shoreline communities to keep the beaches clean, I believe are largely responsible for our success last year.

Let me discuss the Medical Waste Tracking Act which was passed by Congress. This two-year demonstration program is being fully implemented in this region with EPA and the States of New York and New Jersey. The Commonwealth of Puerto Rico, which is also within our region, has also decided to join that program voluntarily.

We have conducted over 425 inspections, issued 163 warning letters in 10 administrative complaints, and assessed $650,000 in penalties under that act. New York and New Jersey have done approximately 1,000 inspections and about 26 administrative actions. We have had outreach programs, conducted over 20 seminars to over 2,000 members of the medical profession to enable them to understand the intent and the meaning and how to comply with that act. We have provided $1.6 million in funds to the States to assist them. We have two reports that are due to Congress this summer discussing what we found, both the summary of the materials and the programs that are in place currently, and a final report is due in September of 1991 on whether or not we should continue that program.

In the area of ocean dumping, the Ocean Dumping Ban Act of 1988, also passed by Congress, required us to bring an end to ocean dumping by December 31st, 1991. We have negotiated those schedules and entered into judicial consent orders with the nine ocean dumping authorities: six in New Jersey, which will end by the

State-ordered date of March 17th, 1991, and three in New York. Two will end by December 31st, 1991. The third, New York City, will get 20 percent out by December 31st, 1991, with the remainder coming out on June 30th, 1992.

I am pleased to report here that basically all of the dumpers are complying with the court-ordered schedules to meet the deadlines with the exception of one. We do intend to continue a vigilant and vigorous posture to ensure that these entities meet those scheduled dates. In the meantime, we will continue to monitor the dumping being conducted and to take enforcement action for any violations.

Some of the enforcement actions that we have taken in recent years have resulted in $107,000 worth of combined penalties when we found the authorities dumping not in accordance with their permit. In two incidents in 1988 and 1989, some floatable material was identified in the sludge, and we are following these up also with investigations, both criminal and civil. Two other complaints have been issued for sludge spills—actually, one in New York City, another in Westchester, before they actually left the docks. Having found those spills, we took enforcement actions immediately.

In the area of combined sewer overflows, we recognize that there are over 600 combined sewer overflows discharging a combination of sewage, stormwater, and debris into the harbor complex. We also estimate that it will take about $16 billion to $17 billion nationally to address the combined sewer overflow program. In the harbor complex, we estimate that about $5.5 billion will be required for New York City alone.

Obviously, this is a long-term program. The city believes that it will take a minimum of 20 years to conduct this. The city has programmed $1.5 billion over the next 10 years to abate CSO problems, aimed at the worst first.

New Jersey has also instituted analysis to look for problems and the solutions, and it requires that its communities identify abatement measures by 1991.

Finally, the agency is pursuing the finalization of the stormwater regulations, undergoing review and comment. All of the comments that came in are undergoing review by headquarters now.

In the area of the estuary program, the New York-New Jersey Harbor Program is underway. We are looking at the characterization of the estuary's environmental problems; the wasteload allocations for toxics and nutrients; biomonitoring; and effects of combined sewer overflow and stormwater discharges. We are looking at the existing regulatory programs and are conducting a program of public participation and education as part of that.

We also have a study underway in the Delaware, so we have the whole coastline somewhat bracketed in our studies, with the New York-New Jersey Harbor Program, the Long Island Sound Study, the Delaware Estuary Program, and the New York Bight Restoration Program. I think we've got the entire New York-New Jersey coastline fairly covered.

In the Delaware we are basically looking at four areas of concern: water quality as it is affected by toxic pollution and nutrients; health and abundance of fish and shellfish resources; the loss and degradation of landfills and other habitats; and water supplies as affected by saltwater intrusion.

For the Bight Restoration Plan, we are investigating a number of use impairments associated with ocean pollution, such as beach closures, unsafe seafood, impacted fish and wildlife resources, and dangers to navigation. It is clear that causes of these impairments derive from many sources, including floatables, pathogens, toxics, nutrients, and habitat loss and degradation.

In the area of ocean monitoring, EPA conducts ocean monitoring off of the New Jersey and New York coastlines every year. We will continue to conduct monitoring of our ocean waters. We are monitoring not only just for the bacteria and fecal coliforms, but also an enterococci, which is relatively new and a more indicative human pollution indicator. We have set up guidelines for the fecal coliform levels, as well as the enterococci levels. In addition, we monitor the oceans for metals and nutrients.

In closing I would like to stress that we—EPA and other Federal agencies—have succeeded, I think, in accomplishing a good deal over the recent past with cleanup of our oceans and beaches. To say this is not to minimize the tremendous task that still lies ahead. A continued commitment to tackling the long-term problems will be required and will entail the expenditure of considerable efforts and funds. I believe that the governmental authorities within our region are up to that task, and I look forward to future cooperative efforts in maintaining the gains we have achieved and advancing the coastal environmental agenda.

I would be pleased now to answer any questions you may have.

Senator LAUTENBERG. Thanks very much.

At our hearing on floatables last year in New York City, you will remember, at the World Trade Center, the Corps of Engineers did not support my bill to require them to continue to clean up garbage in New York Harbor.

What kind of a role has the Corps played in implementing the Floatable Action Plan? Have they been active?

Mr. MUSZYNSKI. Well, the Corps has been extremely cooperative with us throughout the plan. In fact, it would have been impossible to accomplish what we have without them.

Senator LAUTENBERG. We must have them there, right?

Mr. MUSZYNSKI. We must have them.

Senator LAUTENBERG. It was, I assume, just a coincidence of good government that had you listing off so many of my initiatives that have helped restore some of the water quality and reduce some of the threats to our environment. Would you say that the floatables program had a significant effect on reducing that kind of material in New Jersey's coastal waters?

Mr. MUSZYNSKI. I think it did, because it did intercept slicks that would have gotten out to the ocean, that would have found their way out to the beaches. In fact, in the two incidents that I did mention where we did have floatable washups along Sandy Hook, those occurred when we were not able to collect a slick, but we were able to predict—using some Coast Guard models—where the slick would wash up. I guess we were right in that case, unfortunately, and it did wash up on the beach.

Senator LAUTENBERG. Well, you said something about your long-term floatables plan, placing responsibilities on shoreline owners to keep their shores clean?

Mr. MUSZYNSKI. Well, the long-term plan has got to be to address how to keep the material from finding its way into the water. That, of course, will require us to address the CSO problem, which we believe is the source of those materials; to address the stormwater flows, which also is a source.

Senator LAUTENBERG. How do we make the people who own shoreline property responsible for the containment?

Mr. MUSZYNSKI. On the CSOs?

Senator LAUTENBERG. Yes, on CSOs, as well as floatables generally. If we're talking about combined sewer overflows, those are strictly municipal, or in some cases, county responsibilities, State. But how do shoreline property owners participate in keeping the shores clean? Do you see a way that they can do it?

Mr. MUSZYNSKI. Well, the beach community—there, there has to be a cleaning of the beaches because we get visitors and people coming to the beaches. They do leave materials there which can, in effect, resuspend and wind up on somebody else's beaches.

Senator LAUTENBERG. Sure.

Mr. MUSZYNSKI. But there are also contributions, we found, along the rivers leading to the ocean where communities inland, whether they keep their streets clean—that material eventually finds its way into the water, which eventually finds its way onto somebody's shoreline or beach. New Jersey has a very active program of cleaning up the shoreline. That's one way, also, of addressing the problem.

Senator LAUTENBERG. Yes. I think it's fair to say that those materials that can be washed downstream will eventually wind up in the ocean, whether it starts in the streets of an inland community, or whether it's debris left on the beach when the tide changes, the wave action takes place—that junk is washed back into the ocean. So in order to keep the oceans clean, it has to start sometimes at a point distant from the shoreline. Is that correct?

Mr. MUSZYNSKI. That's correct.

Senator LAUTENBERG. And it requires everybody's participation, every community, every individual, not to drop the container or the plastic dish or the plastic spoon on the road in a town 25 miles from the ocean, because there is a very good chance that that material is going to find its way into the ocean one day. We don't like to see it, and it becomes an insurmountable problem unless you have community help. That's why we imposed penalties for plastic dumping by ships. It's a big source. It's also why we have to develop whatever technologies we can for recycling material, for reducing waste, because it's not just the obvious stuff that is dumped along the riverfront or from a boat, it's the whole range of things.

We talked about combined sewer overflows, and for the benefit of those who aren't familiar with the terminology, when we get storm sewers and sanitary sewers using similar transit facilities, when there is an overflow it bypasses the treatment.

Mr. MUSZYNSKI. That's correct.

Senator LAUTENBERG. It winds up sending raw sewage and other material directly into the ocean.

At our hearing last year in New York City you emphasized the need to control combined sewer overflows, and again you stress the

importance of CSO controls. What is Region II doing to address the CSO discharge problem?

Mr. MUSZYNSKI. Well, we have the programs for water pollution control, the permitting programs, delegated to both our States, New York and New Jersey. So we are working with them that the combined sewer overflow programs get incorporated into the permits as they reissue them to the various authorities, whether it be New York City or——

Senator LAUTENBERG. That's issuing the permit. What does the permit call for?

Mr. MUSZYNSKI. The first stage of the permit requires the authorities to look at the problem and identify where the points are, because many of these are very old. We like to think we know everything about where the pipes were put, but they had to do surveys to find out exactly where they were, what they were contributing, and to develop techniques to solve the combined sewer overflow problem.

You would tend to address the worst sites first, the bigger ones or the ones that are contributing to more pollution problems, because of the extensiveness and the difficulty. Complete separation of storm and sanitary would be a very expensive proposition.

Senator LAUTENBERG. But we have to work toward that objective as much as possible to separate these two. I know there are other programs to actually store water until there is some relief to the plant so that water can then be pumped into the system. Ideally, we shouldn't have sanitary sewers and storm sewers in the same pipes. Is that correct?

Mr. MUSZYNSKI. That's correct, but unfortunately, this is a——

Senator LAUTENBERG. Yes, it's an old habit, and we didn't know better.

Mr. MUSZYNSKI. Rochester, New York has installed a tunnel system to do exactly what you just described, to store the peak flow and hold it until the treatment facility can accept the flow. Many, many years ago, New York City did build a facility called Spring Creek, which was to capture the first 30 minutes of the flush and to treat that.

So those are the techniques. And this Dunkers process that I mentioned is actually a process of booms and netting that would not only collect the floatable material, but also try to trap some of the liquid that would come off and rise to the top, being fresh water.

Senator LAUTENBERG. But can you capture the pathogens, the nonvisible things?

Mr. MUSZYNSKI. Not completely. You can catch some of the materials, but you can't capture it all.

Senator LAUTENBERG. What types of measures are now in place in New Jersey and New York to control these discharges? Just the kind of thing you talked about?

Mr. MUSZYNSKI. And regular maintenance of the systems that they have.

Senator LAUTENBERG. Maintenance, and upgrading wherever possible?

Mr. MUSZYNSKI. That's correct.

Senator LAUTENBERG. Do you have any idea what it could cost to address these discharge programs?

Mr. MUSZYNSKI. Well, the agency conducts needs surveys every two years, I believe it is, under the Water Pollution Control Act, and we estimate nationally about $16 billion.

Senator LAUTENBERG. That's $16 billion nationally to control just——

Mr. MUSZYNSKI. The combined sewer overflows.

Senator LAUTENBERG. Can it be controlled?

Mr. MUSZYNSKI. Again, you have to look at the sewer. It's very individualistic. Clearly, I think it can be controlled, but it's going to take a lot of money——

Senator LAUTENBERG. And a lot of commitment.

Mr. MUSZYNSKI [continuing]. And a lot of commitment.

Senator LAUTENBERG. Fresh Kills "Mountain"—that's too kindly—Fresh Kills garbage dump is soon to be, I think the highest point of land east of the Hudson River, and it keeps building. While we can empathize in a way with New York because of the limited ability to get rid of trash, which continues to develop at astounding rates, we are demanding progress from ourselves within our own State. We are looking for ways to reduce that pollution. We're looking for places to put it.

What progress has New York City made in ending the garbage spillage from its Fresh Kills landfill?

Mr. MUSZYNSKI. Well, they have installed these "superbooms." They do clean their shorelines up much more regularly. They have put the nets on the barges themselves. They bring the vessels inside the boom operations now. There are no vessels left outside the boom operations. So from what we've seen in overflights and visits, they have taken measures to reduce the materials coming off of that landfill.

Senator LAUTENBERG. Has it helped?

Mr. MUSZYNSKI. I think it has helped tremendously.

Senator LAUTENBERG. We got their attention legislatively.

You say that EPA has issued over 100 letters warning people that they may be in violation of the Medical Waste Tracking Act, issued 10 formal complaints, on only 400 inspections. What does that record indicate? Does it say that medical waste is not being properly handled and disposed of?

Mr. MUSZYNSKI. Well, our inspections primarily have shown logging and paperwork-type violations primarily as opposed to improper disposal. We have found some improper transportation techniques being used where the boxes are broken or the boxes are crushed, and a few of them where the manifest system that we've implemented hasn't been filled out properly. But in general, we found that most of the material does get to licensed facilities.

Senator LAUTENBERG. So in general, if the material gets to properly licensed facilities, are you aware of much by way of escape? Are we seeing less of that material around now? Again, we're still in the information-gathering stages, as we were reminded by the Governor, and this is a demonstration project involving New York, Connecticut, and New Jersey. Do you have evidence of the fact that some of that material is still escaping appropriate disposal and finding its way into our waters?

Mr. MUSZYNSKI. We don't have evidence that the medical material that we would track under the system is finding its way into the waters. Otherwise, I guarantee you we would take enforcement action. But there still are needles that do find their way into our waters—at least, we believe, as a result of needles on streets that wash in.

Senator LAUTENBERG. Addicts just throwing them away?

Mr. MUSZYNSKI. Or people who perhaps have a legitimate need for the use of the material——

Senator LAUTENBERG. And then dispose of it?

Mr. MUSZYNSKI [continuing]. And then dispose of it.

Also, we have looked at some treatment plants and did find needles coming into the treatment plants, which does support our contention that the combined sewer overflow situation—if needles are coming in under dry weather, they're coming in under wet weather also and can find a way into the waters that way.

Senator LAUTENBERG. That's something that we have to keep working on, whether it's getting information out or maybe making disposal facilities more readily available. Unfortunately, needles for both legitimate and illegitimate use are being used in ever greater quantities.

Sludge dumping, another piece of legislation I was very aggressive with—we have a 1991 target for ending all sludge dumping. That's at the 106-mile site. We successfully closed down the 12-mile site two years ago. Do you think that 1991 is going to see the end of sludge dumping, with the exception of—in your remarks I noticed that New York City is getting a waiver until June of 1992. Is that correct?

Mr. MUSZYNSKI. A waiver with the penalties applied.

Senator LAUTENBERG. With penalties applied, which they can recover, I believe, as the law is written if they then comply?

Mr. MUSZYNSKI. That is correct.

Senator LAUTENBERG. Okay. Why did we give them the waiver? And what are the prospects for ending sludge dumping by the 1991 deadline, with the exception of that waiver?

Mr. MUSZYNSKI. Well, I think our prospects of ending it are good. As I mentioned, all of the communities with the exception of one, Bergen County, are on schedule. We hope to get Bergen County back on schedule, but everybody is moving toward what I would call the "interim sludge alternative" so that we can cease dumping on schedule. We are also tracking them on the long-term plans that they have to put into place. The interim plans are combinations that mostly will wind up in landfilling or use of the material as cover material. The long-term people are looking at chemical fixation and, obviously, on some incineration.

New York City was granted an extension through June 30th, 1992, as a result of very detailed negotiations with them where they presented evidence that meeting the 1991 deadline was just impractical. So since we negotiated judicial consent agreements with them, that would not only include the fee and penalty structure that was placed in the Ocean Dumping Ban Act, but also stipulated penalties for any violation of those interim dates. But we really had no choice, on an engineering basis.

Senator LAUTENBERG. They have a real incentive to get out of the ocean. It's going to cost them plenty if they don't. Those penalties continue to accelerate in proportion as time goes by. I remember the debate we had at the time with the then-Mayor saying that it was impossible, etc., etc., but the fact is that they do have very specific plans to get out of the ocean. So once again, we got their attention.

Last Thursday we had an incident in the United States Senate that caused Bill Bradley and me—and potentially, New Jersey—a lot of grief. It was a piece of legislation that would have prohibited transportation of trash, garbage, and sewage sludge to other States where there are permitted landfill sites. This was an arbitrary thing. We are all hard at work, those of us who are forced to export our trash because we don't have the landfill sites. I believe that New Jersey went from being an importer of other people's trash in just a couple of years to where we are now exporting about 50 percent of our debris, and we need time to resolve these issues. It was a mischievous piece of legislation. Very frankly, however, it would have been very popular in the United States Senate because there are more States that receive garbage and trash than those which export it.

So it would have been very difficult, and Bill Bradley and I used the best legislative tactic that we had, which was to keep everybody in there, perhaps all night. We came to a resolution so that this was withdrawn. But it is going to come back to haunt us, I can predict that. But we are going to be vigilant. We don't want to stand in the way of solving problems, but we need this window of time in order to solve those problems.

What impact might a State with a ban like that have on sludge imports? What would that have done as we look at the closing-down of the ocean as the dump site?

Mr. MUSZYNSKI. I think that potentially it would have had the impact of having the communities come back to the Judge and basically indicate they could not meet the interim dates we set to get out of the ocean, because from what we see, the majority of the sludge dumpers will use existing contracts with other companies to take their sludge to other landfills outside of the State.

And you are correct, New Jersey has gone from an importer to an exporter of garbage materials over the years. It is trying to work it out on a county-by-county basis using recycling technologies and waste reduction, but at this time it is still a major export.

Senator LAUTENBERG. What would have happened in 1975, I believe it was, New Jersey brought an action to try to stop the city of Philadelphia from shipping to a landfill site in our State, and lost it. They lost the issue in the Supreme Court, having to do with interstate commerce. This action would have settled the constitutional question by saying that you can't do it because it was enacted by a legislature and would probably have found its way to the President's desk and been signed. It reminded all of us that we have to get on with the task of solving the problems, and we can't continue to look at other States or other places to receive our material.

Well, thank you very much, Mr. Muszynski. We appreciate your help and cooperation and look forward to working with you in the future.

Mr. MUSZYNSKI. Thank you.

Senator LAUTENBERG. Thanks very much.

We're going to take a few minutes breaks here, and then we will have the remaining panel, consisting of Mr. Schoelkopf, Ms. Kiss, and Mr. Stolpe. Just about 10 minutes, please.

[Recess.]

Senator LAUTENBERG. Mr. Schoelkopf, this is pretty interesting information that we've discussed here. I hope things are, as they say, "alive and well" at the Marine Mammal Stranding Center.

Mr. SCHOELKOPF. So far, so good.

Senator LAUTENBERG. Okay. We're depending on you and your wife to continue the fight.

We are reconvening the subcommittee hearing, and are pleased to have as our panelists now Mr. Robert Schoelkopf, who is the Director of the Marine Mammal Stranding Center at Brigantine, where I held a baby seal and watched with interest as the children looked at these sea mammals so fondly and so affectionately. We want to keep them alive and strong just like any other family member, including your kids, your pet, whatever it happens to be. We congratulate you for your work.

Ms. Karen Kiss, President, Alliance for a Living Ocean, Ship Bottom, New Jersey. Ms. Kiss, we welcome you.

Mr. Nils Stolpe, the Executive Director of the New Jersey Fishermen's Association.

You are my kind of crowd, I must say. I was an environmentalist long before I was in the United States Senate. All you have to do is look at the various organizations and see that Frank Lautenberg was a contributor. I wasn't out there doing the cleaning, necessarily, but I was sure trying to help the organizations that in those days weren't getting the kind of response that you are now.

So we are pleased to have you here with the Governor, with Congressman Hughes and the EPA, to ask you give your testimony in as free-form as you can. We will put your full statement in the record. That's kind of the tradition, then we'll have a few questions for you.

We'll start off with you, Bob, please.

STATEMENT OF ROBERT C. SCHOELKOPF, DIRECTOR, MARINE MAMMAL STRANDING CENTER, BRIGANTINE, NJ

Mr. SCHOELKOPF. Thank you, Senator, for the opportunity to be here this morning.

For the past 14 years, the Marine Mammal Stranding Center has been recovering injured and dead marine mammals and sea turtles along the New Jersey coast and neighboring States. Many of the animals that came ashore died of natural causes, such as parasites, pneumonia, and old age. But in 1984 we saw a curious change in the cause of death of many of the marine mammals. We performed autopsies on these animals. Many of them were washing ashore as a result of human activities in the ocean. Entanglement in mono-

filament line, netting, and ingestion of nonbiodegradable products such as plastics and latex were factors in the strandings.

A pilot project has been initiated by the New Jersey Division of Environmental Protection. This education program is directed at the 180,000 registered boaters within the State and can be expanded to cover thousands of non-resident boaters who visit New Jersey every year.

The purpose of the program is to teach proper disposal methods of shipboard debris and at the same time make boaters aware of the loss of marine life that could happen as a result of debris being carelessly tossed overboard.

Enactment of the Plastics Pollution Control Act of 1987 and similar State legislation banning the introduction of waste materials into coastal waters will diminish the number of mammals and sea turtles that die from ingestion of debris each year.

Early indications show that this year we will have a higher number of tourists than in the past three years. With this increase, the amount of debris found floating along the coast will also become larger.

I propose a simple method of controlling coastal debris by mandating community cleanup efforts in the evening at the close of beach hours. Beach cleanups are now done early in the morning. If the cleanup were conducted at the end of the day, the trash containers would not be subject to high tides, heavy winds, and vermin. It would also prevent the spread of beach trash from one community to another in that 12-hour nighttime period.

Another contributing factor to the cause of death in the animals appears in laboratory tests for toxins. High concentrations of PCBs, lead, selenium, and mercury are commonly found in all species examined. Some of these samples have shown lethal levels. High contamination levels do not appear to be isolated to only inshore animals. Many pelagic species have similar, if not higher, levels.

Lab analysis of stranded specimens and incidental take animals, by commercial fishing operations in the offshore areas, should be included on a routine basis to determine the source of the heavy metal contaminants. These studies should be conducted by the Environmental Protection Agency along with their water quality analysis. The results of their studies would determine whether the source of pollution is specific to a region, or common in all species because of their food consumption.

At present there are no Federal guidelines available to indicate safe levels of heavy metals or PCBs in any marine mammal or sea turtle within our coastal waters.

If you have any questions, I would be happy to answer them.

Senator LAUTENBERG. Thank you.

Ms. Kiss, we invite you to give your testimony.

STATEMENT OF KAREN KISS, PRESIDENT, ALLIANCE FOR A LIVING OCEAN, SHIP BOTTOM, NJ

Ms. KISS. Senator, we welcome you to southern New Jersey and this area. It's good to see you here. The Alliance for a Living Ocean appreciates the opportunity to express our opinion as to the

progress on cleaning up our coastal waters and what needs to be done.

I will make a synopsis of what we said; you have the official statement.

We are a grass roots organization of over 3,000 members. I think we are, at best, the personification of the problems that we started to witness in the late 1980s on the New Jersey coast. Long Beach Island the dubious distinction of being the first coastal community to have their summer shut down by a 50-mile garbage slick of medical waste and garbage, so we do know this issue first-hand.

The goal of our organization is to end the contamination of New Jersey's coastal water and preserve a living ocean. We have worked with a number of groups State-wide, including Bob Schoelkopf, and Nation-wide to try to deal with these issues. We have signed onto a lot of testimony that you have had on a national level.

I'd like to say that there are pluses and minuses to everything that has been done so far. On the sludge dumping site, we are encouraged by the fact that there is State and Federal legislation to end sludge dumping. However, we are also concerned that unless we really want to go for beneficial reuse on the landside, and that if everything goes toward incineration, that we may find ourselves in the same predicament that we found in the late 1970s when we tried to end sludge dumping before.

Interestingly enough, this time New York should be commended for their aggressive approach to sludge management. They have looked at a number of different sludge options and have really researched it. Across the river in New Jersey, however, we seem to be just hanging onto incineration. We are fighting that particular stand on that. The valley, which is as large a sludge dumper as New York City—we're trying to get them to look at a number of different issues and a number of different management options, and there seems to be a lot of foot-dragging. So that's the progress on that situation so far.

I think this time, the difference between the late 1970s and the late 1980s in dealing with sludge is that you can see now, for the past three years, there has been a sustained interest in what is going to happen to this sludge. I think the citizenry is much more educated. They are very concerned about where we choose to move the sludge dump site—out to 106 miles is very close to one of the richest fishing grounds in the world, and we're concerned about the impact of that. It is a different situation than what we had at the 12-mile dump site and the possibility of that sludge going in all different directions is much greater. So it is a different situation than we had 10 or 15 years ago.

Also, I think the technology for beneficial reuse has come a long way. We have some interesting tapes on that, if you haven't seen them. There is some great stuff being done.

On a positive note, the acid and industrial waste sites have finally come to a close. Allied-Signal and DuPont in the last few years have finally said that they have had enough, and these sites are being closed. But I think that we would be remiss if we didn't realize that we're still, in a sense, doing industrial dumping every time we dredge New York Harbor, with all this waste that is in there,

and take it out to six miles off of Sandy Hook and dump it again. This resuspends these pollutants that already polluted the water once. It resuspends it in the water column. These fish go through it. It gets in the benthic organisms. We are repolluting the waters, and I think the time has come that we seriously look at the problem with dredge spoils and their additional polluting nature to the New York Bight.

On medical waste, I am a nurse and I have followed this issue extensively. It is odd that this is generally a public health issue, but it has found its way into the ocean issues as well.

I am encouraged by the State and Federal Medical Waste Tracking System. However, I would like to urge you to follow up on that and make sure that it doesn't just end as a two-year pilot project, that we also include the small generators of under 50 pounds because that includes all your doctors and dentists and all these generators. I put together a number once of how many syringes you could generate in a year as a small generator, being exempt from the Medical Waste Tracking bill, and it comes out to something like 80,000 TB syringes that you can generate. Say you were an allergist. The TB syringes are very light and very thin. Well, 50 pounds comes out to something like 80,000 syringes in a year's time that you could throw out. Remember, it's 50 pounds a month, and over a year's time it's quite a few syringes.

Senator LAUTENBERG. Fifty pounds a month?

Ms. KISS. Yes, I think that's what the Federal standard was, 50 pounds or under and you are exempt.

So that's all your small generators. And classically speaking, the hospitals were part of a tracking system or a medical waste hauling system, so unless we have the small generators in it, we're really missing a very large population of generators.

New Jersey and New York have included the small generators in their programs, but it should be a national program and should include everybody.

I am also encouraged by the technologies that are being forced down the line. We may see that down the line we may not need as much bureaucracy to control this problem because now you are getting the kinds of things like the chopping up of medical waste and the disinfecting of the stuff before you throw it away, so you are getting it disfigured and disinfected and you don't see it as a syringe and it isn't a potential health hazard. So these technologies are coming along. It's encouraging, but it's because we have the Medical Waste Tracking System, so please, keep that going.

On the floatables issue, we have an Adopt A Beach program on Long Beach Island where citizens go out and clean the beaches themselves. It's a year-round program. When you compare May of 1988 to May of 1989—in April of 1989 they instituted the floatables program, where they had the clean sweep program in the harbor, and they started all that up—it was remarkable to see that we had much less floatable material on our beaches in May of 1989 than we did in the prior May, with similar weather conditions. We have a very stormy May in 1988 and 1989. There were a lot of nor'easters, which you would think would blow in the material, and there was a marked reduction in what was coming in. So there are some positive aspects to that. However, I think as long as we have the

massive combined sewer overflow problem, until we get total containment of Fresh Kills landfill in their transfer processes, I think that we're still going to see problems with floatables. But I can honestly say that we're seeing some improvement in the situation.

Also, of course, with the ratification of MARPOL 5, that may also be contributing in a positive vein to the reduction in floatables.

As Bob can tell you, I think we are seeing a lot less balloons on our beaches due to the public education on that issue. We've even had balloons on our beach from the White House as they blew from west to east and wound up on our beaches, so that has been a problem that seems to be working its way through.

On the local level, if you are dealing with floatables—you were asking some questions of Bill Muszynski—what we have found as a good program is to have street sweeping throughout the State because it helps pick up the litter that would wash down the storm drain. Unfortunately, these programs tend to be the first ones that are cut.

Another thing that we have had in our own municipalities in Stafford, which is across the bay on the mainland, the builders that wanted to develop had to buy a machine which literally sucks out the debris from the storm drains. It's about a $50,000 machine, but they had to put that money up to go around—they regularly go around and clean out the storm drains with this, and it really helps keep down the contaminants. So there again, it's another solution on the local level.

Wood burning—again, there is a very positive note here. We hear the EPA saying that we're going to get out by 1991. There is a piece of legislation sponsored by Representatives Pallone and Saxton in the House. We hope that you will be championing this cause on the Senate side so that we're sure that we can end wood burning by 1991 once and for all. There is some movement from the Army Corps of Engineers saying that they'd like to see it extended beyond 1991, so we'd like to call a halt to it.

Oil spill prevention is something that needs to be done, and obviously, with the tragedy in Prince William Sound, when you think about what goes in and out of New York Harbor—I think we have more tankers going in and out of New York Harbor than any other place in the country. Just yesterday I received something from the NRDC which superimposed the oil spill in Prince William on the eastern seaboard. As you can see here, it stretches from midway through North Carolina, all the way up to Massachusetts. This is what we could anticipate if a similar kind of tragedy happened here.

I am hearing a lot of rumblings within our organization and a lot of concern about this problem, so I think that an aggressive stand on rectifying the oil transfer and tanker problem really needs to be done.

Lastly, I think that another very positive thing that has happened in the last three years is that on the State and Federal level, the level of sophistication in our legislature, as far as knowledge of coastal issues, is remarkable. I think it is time now that we move ahead on aggressive reforms. There are massive packages, I know, in the Senate that are up right now on coastal reform, and the

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same in the House—the Coastal Defense Initiative—all of these things. I think it's time to do that. It's going to take a while for the total population to become as sophisticated as you've become in listening to all the testimony on these issues, but if we wait too long for that sophistication to come along I think we may lose our coastal areas and their viability.

Senator LAUTENBERG. Thank you very much.

You have described your organization as a "grass roots" organization. Is this a full-time job with you?

Ms. KISS. Unfortunately, no. Volunteer.

Senator LAUTENBERG. I think everyone has to be impressed with your knowledge of the subject and the articulate way that you presented the case, notwithstanding your support of all of my legislative initiatives. [Laughter.]

But you are also reminding me that we need more, and I'm alsc with you on that. Congratulations.

Ms. KISS. Thank you.

Senator LAUTENBERG. All right, from someone whose friends make their living out of the sea, Mr. Stolpe. We are pleased to have you here and await your testimony, as well.

Ms. Kiss, if you have anything by way of a more formal statement, we will put that in the record.

Ms. KISS. Oh, yes, it's all attached.

Senator LAUTENBERG. So that's in the record. Thank you.

STATEMENT OF NILS STOLPE, EXECUTIVE DIRECTOR, NEW JERSEY COMMERCIAL FISHERMEN'S ASSOCIATION

Mr. STOLPE. Thank you, Senator. We appreciate very much the opportunity to comment on the condition of New Jersey's coastal waters from the commercial fishing industry perspective.

New Jersey's commercial fishermen have been aware of, concerned about, and affected by the mistreatment of New Jersey's coastal waters since long before it became a matter of widespread public concern, and are strongly supportive of the international, State, and Federal efforts to end once and for all the unconscionable squandering of our irreplaceable marine resources. We greatly appreciate your sharing our concern for the future of our industry and the health of our oceans.

Ironically, the commercial fishing industry, which has paid a great deal in the past for the lack of widespread concern about the condition of our inshore and offshore waters, has over the past few years been paying as well for all of the attention that the quality of the ocean environment has been given. In 1988 for the first time in years, the per capita consumption of seafood in the United States dropped, unquestionably a consumer response to the media attention immediately focused on any "ocean pollution" or "seafood quality" incident that occurred. Fortunately, this downturn in consumption was only momentary. The per capita consumption last year was a record 17.3 pounds, but there is still widespread consumer concern about seafood quality and safety, particularly local seafood, and this concern is too often reflected as depressed prices for local products.

Determining the impact of water quality on the offshore commercial fisheries appears to be beyond both our technological and financial resources today. We know that the landings of particular species of fish fluctuate widely from year to year. Identifying the causes of these fluctuations—which could range from market conditions and fishing pressure to migration patterns and weather conditions, up to reproductive success and water quality—is something that we can at best venture educated guesses about. The offshore fisheries are changing, but we don't know what is driving the changes and we don't have records going back far enough to establish what would be considered as normal. The less subtle impacts on our inshore and near-shore fisheries, however, are measurable and significant. The estuaries that serve as critical nursery areas for many of our economically important finfish and shellfish species are particularly vulnerable to the direct and indirect assaults of coastal development and our highly productive shellfish beds, and the multi-million dollar industries that they support are totally dependent on acceptable water quality.

The feeling among New Jersey's commercial fishermen is that water quality, at least apparent water quality, is improving but that it isn't improving rapidly enough. While moving the sludge disposal site farther offshore was probably a step in the right direction, it was only a step, and it certainly didn't cover the whole distance. As long as we use our ocean waters, no matter how far over the horizon, to dispose of noxious materials—and this includes dredge spoils, I'm afraid—we're sending the wrong message to the consumers that our multi-billion dollar commercial fishing industry depends on. Until we have a full understanding of how these materials move through and impact on the ocean ecosystem, we are accepting more of a risk than we should be accepting solely for the sake of convenience.

Relative to floating refuse, the situation in New Jersey is improving. And thanks to New Jersey's Department of Environmental Protection, some of our commercial fishermen are actively contributing to the improvement. The Department's Division of Water Resources has contracted with the New Jersey Commercial Fishermen's Association over the past two summers to supply vessels to collect floatables in Raritan Bay during periods when much of this refuse would otherwise be carried by currents onto our beaches. This program has been part of a coordinated effort to keep litter off the beaches, and it seems to have been reasonably successful. We are presently working on extending the program through the summer of 1990 and we would like to see it expanded to other coastal areas, as well.

Collecting floating refuse while it is still fairly concentrated, before it has gotten onto our beaches, fouled our propellers or fouled our fishing gear, or harmed or destroyed any marine organisms, is an ounce of prevention that will yield far more than a pound of cure.

I have already mentioned that we don't have an adequate understanding of how many of the materials released into marine ecosystems behave. Even if all ocean disposal were to stop tomorrow, there would still be years' worth of accumulated wastes moving through our inshore and offshore waters. It would seem that a pri-

mary research priority should be determining what is happening out there with these materials. Our level of knowledge at this point is, at best, rudimentary. This should be changed.

Fortunately, over the past several years we have begun to disregard political and administrative boundaries when addressing estuarine problems. Multi-jurisdictional approaches are effective when working with such bodies as the Delaware and Chesapeake estuaries. This approach should be expanded greatly for the good of our coastal waters, as well as of our recreational and commercial fishing industries.

The National Marine Fisheries Service and the regional Fisheries Management Councils, which are responsible for managing fisheries resources in our Exclusive Economic Zone, can't do an adequate job without having control over the use, or misuse, of the coastal waters that are vital to the health of those resources. Fishing effort is the only factor influencing fisheries stocks that the managers have any control over at the present time, so it is the one that receives all of their attention. If our fisheries managers were in a position to identify and control the environmental assaults that reduce particular fish stocks, they could graduate from a fisheries management regime based on restricting the commercial and recreational harvest to one based on enhancing them.

Finally, we need to convince the public that the significance of a dirty ocean goes far beyond having to vacation in the mountains rather than at the shore. We have to show that the oceans are much more valuable than the significant recreational opportunities that they offer. The world's oceans hold the greatest promise of future protein production in a world where protein is becoming increasingly important. To squander any of this potential is something that none of us can afford.

Thank you.

Senator LAUTENBERG. Thank you very much.

You noted that per capita consumption of seafood had a temporary decline, and that it was back up. I'm trying to lose weight, and therefore I stopped my prodigious eating habits and may have altered the skeleton a little bit, but I'm back to eating like I did before.

It's of great interest to see the three of you coming at the problem from slightly different areas, but each one with the same objective, and that is to clean up our oceans and to recognize the significant value of the ocean to all of us in some slightly different ways.

Whether we talk about finfish or shellfish or mammals or just recreational use, each one of these is important. The thing that we want to do is preserve the ocean for all people and all activities for generations to come. It is interesting to me to note, particularly in the fishing industry, how much more domestic fish farming is being done. What's really being said in some cases is that the facilities that nature provided us aren't good enough, and we have to find other ways to produce this abundance of the various species and the quality of them. It was one of the most important resources and it didn't get the recognition it deserved until recent years, only as we began to lose these. Again, the fishermen probably were the first ones to recognize it, and their voices were not powerful enough to make the change.

But we do things with good intentions very often. We closed down the 12-mile dump site to use the 106-mile site, getting it further away from human habitation. We found out that that "giant washing machine" out there that moves things around, the Gulf Stream, etc., picked up these contaminants and just shoved them all over the place instead of having them quite as concentrated as they were before. But it is a step in the right direction. The volume of stuff being disposed of in the ocean is going down, has gone down substantially.

And in each case you do note improvements. We hope we are going to be able to continue that. In fact, this volume of legislation that has developed over the years—you mentioned that, Ms. Kiss—we have developed a degree of sophistication. When I came to the Senate in 1983, I came as a businessman. I came out of the corporate world believing that the greatest area of focus for me would be on trade and financial and technological issues. Instead, paralleling my interest there is a great deal of time and effort on behalf of the environment. I was fortunate to be able to get a seat on the Environment Committee. I have spent a lot of my time and a lot of my effort working on environmental issues.

It is reassuring, as I said to Congressman Hughes before, to see the things that do make a difference. Everybody talks a little bit scornfully of Washington and the bureaucrats, but it's nice to know that things do happen and that the results are being recognized, even though it's not quite as noticeable as my ban on smoking in airplanes, which I wrote. Everybody likes that. I have people tell me about that all the time, walk up and say that they're happy about that, because for most people it represents relief while traveling. For the smokers, it presents them with a problem, and we're sorry about that, but we hope that their health will improve as they kick the habit. That's not the subject of the moment.

For each one of you, however you'd like to contribute, if you could pick out the single issue that most affects our coastal waters, what would you say it is?

Mr. SCHOELKOPF. I look at the overflow problem, sewage overflow, as a potential perpetrator in the problem of pollution. There's no way of controlling what's going into those overflow systems. There's no way of filtering out material that's being introduced, especially during rainy season, and there's no way of controlling that continued dumping of chemical wastes into the estuaries and eventually into the ocean. Without that control, there is no way of cleaning up that water. It may look clean, but those chemicals are still there.

Ms. KISS. I'd say I think we have to go a long way in enforcing some of the laws that we put on the books back in the early 1970s. We need to beef up the Coastal Zone Management Act. I would rate improper development as having a devastating effect on this area. I think that in the best available technology range in managing stormwater and building, there is a lot there and it's not being implemented on a consistent, regular basis from municipality to municipality, and it needs to be done.

By the same token, on the State level we had to pass a Clean Water Enforcement Act. The EPA is supposed to be the parent organization that looks over the State's organization of each of these

permits. There is plenty of documentation where the State was not regulating discharges well enough. The Federal Government should come in, slap their hands a little bit, get some incentives to start beefing up their program a little more.

I think those issues, enforcement and beefing up our present laws that have been on the books for a long time, are very important.

Mr. STOLPE. I'd say it's a combination of public awareness. The citizenry just isn't aware of the importance of our coastal areas to them other than it affects them directly. For the most part they have no idea of the indirect impact on their lives.

And certainly, it's obviously a matter of finances. Everything we're talking about doing is going to be tremendously expensive.

Senator LAUTENBERG. That's right.

I would say this, that the chemical invasion, the contaminants, the non-visible—sometimes you can smell them, and sometimes you can feel them—is certainly a top priority. There is the problem of floatables. Some of the foreign fleets have fishing systems and nets out there that cover 240 square miles of ocean, 80 miles long and 3 miles wide, and it just consumes everything in its way. That's a problem for the development and enforcement of law.

I do think, though, that the public is much more aware of it and much more concerned about it. When I talk to groups away from the shore communities, I can tell you that they feel just as strongly as people who live here or people who recreate here do. People look at the ocean as the most visible precious resource. Somehow or other you can't see quite the same thing in the air, although the air can be noxious one day and not on another, or the Superfund sites on the ground, the trash sites. But when it comes to the ocean, that strikes a responsive chord.

We just have to take advantage of and encourage that kind of groundswell support. That's what's making a difference in Washington. That's why the laws that are on the books got through, because we have more noncoastal States than we have coastal States, but we have the largest part of the population moving toward the coastline.

Bob, the marine debris that you talked about, you made a statement that the Plastics Pollution Control Act will reduce animal deaths from ingestion. You did say in your testimony, I believe, that you have witnessed a decline.

Mr. SCHOELKOPF. I see the decline in the debris on the beaches. One consistent violator of that act, prior to the act, was Royal Caribbean Cruise Lines. I would very often find debris from that cruise line on our shoreline, washed up, many times over, to the point that we were mailing it back to them to make them aware of what was going on.

Since the enactment and since the enforcement has taken place, I have not found anything from Royal Caribbean on the beaches. I hope that that means they're abiding by it and not because of a change of wind currents or ocean currents. I think it is being effective as far as that goes. It hasn't cut down on the numbers of animals yet that we've seen because there is such a broad expanse of area that these animals cover and they can ingest this plastic any-

where along the coast. So we don't know, but as far as what we see washing up, it has declined considerably.

Senator LAUTENBERG. And has the disability and death of sea animals continued at about the same level?

Mr. SCHOELKOPF. At this point it's about the same, yes, sir.

Senator LAUTENBERG. Is there any growth—I guess you can't observe it from your relatively narrow viewpoint—in the presence of species out there?

Mr. SCHOELKOPF. We have seen a consistent problem with both sea turtles, which are coastal animals, and pelagic species such as sperm whales—some of the very rare whales that you normally wouldn't even know about—they too are coming in with plastics in their system, and that indicates that it's not just a nearshore problem, but an entire ocean pollution problem.

Senator LAUTENBERG. I keep hoping that we'll see signs of improvement in the numbers.

I made it my business to travel to Prince William Sound because in addition to having the responsibility that I have for Superfund and the other environmental issues, I am also, as a result of being Chairman of the Transportation Subcommittee of Appropriations, in charge of Coast Guard funding. We have put a lot of pressure on the Coast Guard. We try to give them the funds because they are beset with new assignments. They have the drug patrols out there and they have oil spill supervision. They also have pollution patrols that they're responsible for, so we work on a lot of the same issues from different aspects.

I twice visited Valdez, Alaska within two days of the ship grounding up there, and it was painful to see what happened with this most beautiful place, with the Columbia Glacier dropping off bits of ice and little icebergs and just beautiful crystal-clear waters, and seeing the sea animals, the seals and the other animals there, to see these birds and seals and sea otters covered with an oily film. It was really a painful experience. We don't know how they're going to do yet; the fishing looks pretty good, but you don't know what the long-term effects are going to be. And when you used that picture, the overlay, bringing it from Carolina up to Maine, I guess is what you said—but when we have an oil spill in the Arthur Kills or in the Delaware, we have so few refuges for either bird or animal life that we have to protect them just as vigorously. They are an oases in very crowded places. We keep looking for a return of species and hope that's going to take place.

We'll continue working to get rid of marine debris. One of the things I'd like to see is what we can do about that, the kind of wanton destruction of sea life by some of the commercial fishing activities that take place with foreign fleets where they just scoop up everything. Some of the tuna canners have changed their ways and now say, "We're not going to take dolphin deaths as part of the condition of fishing."

I like the idea for nighttime beach cleanups. Beach cleanups are a local responsibility. What kind of reaction have you received from the local officials?

Mr. SCHOELKOPF. Well, I'd like to say that my home town of Brigantine was the first one to adopt that, but they haven't at this point.

There's no cost implied here because the summer beach communities, for the most part, are already hiring high school students. My son, who is 18 now and graduating, would much rather work from 6:00 o'clock at night until 8:00 o'clock at night than 6:00 a.m. until 8:00 a.m., giving him more time to sleep in and do the things he has to do——

Senator LAUTENBERG. Party first? [Laughter.]

Mr. SCHOELKOPF [continuing]. But I think it would help. We walk along the beaches at night, and in the morning you will see the trash that does fall overboard and flow into the waterway, and then some community has to suffer for someone else's neglect by not cleaning their beaches.

Senator LAUTENBERG. Yes. It sounds so logical, you wonder why it hasn't been done before.

You proposed lab analysis of stranded animals for toxic pollutants. Has NOAA undertaken or funded lab analysis for stranded animals?

Mr. SCHOELKOPF. NOAA has done quite extensive testing on the dolphin die-offs. And now with 300-plus dolphins dying in the Gulf of Mexico this winter, they are also trying out a lot of those specimens as well, but they were in such bad shape that they have very little samples available.

But we have been doing this over a period of eight years now, that the Stranding Center has taken on the task when money is available to do tests. Unfortunately, to do adequate testing of heavy metals and PCBs it runs about $800 per animal, and last year we had over 56 animal strands, so the expenses are overwhelming for us. It should fall under the jurisdiction of either EPA or NOAA because of their involvement with the Marine Animal Protection Act.

Senator LAUTENBERG. Is there a network of marine mammal centers?

Mr. SCHOELKOPF. There is. We belong to the northeast region, and I must say that the northeast region, out of all the stranding networks, seems to be the most organized as far as sampling and having routine tests done. In the eight years that the Stranding Center has been doing it, we are seeing figures that hopefully will organize a baseline value for certain marine mammals, and then compare that to other stranding networks to see if there is in fact a safe level that we can assume is in these animals.

Senator LAUTENBERG. Again, funds are a problem, but a bigger problem is the loss of these species and the loss of the value of our oceans as a food-producing source, a recreational source, transportation, etc.

Ms. Kiss, I mentioned before that I was impressed with your knowledge of the subject. I think you covered a couple of the questions that we had planned for you, but I just wanted to confirm your judgment.

You said that the Medical Waste Tracking System ought not to be any longer a pilot program, that it ought to be extended, and that it ought to be national in scope?

Ms. KISS. That's right.

Senator LAUTENBERG. We had a heck of a time in getting it through, and in order to do it we had to narrow it down to two

areas. I started out with just a New Jersey program, and then New York insisted that it wanted part of it in order to support it, and then Connecticut came in, which was fine. I mean, it's better to test it regionally because the sources of the problem are often regional as well.

Do you think we ought to cover every State in the country?

Ms. KISS. It's interesting. I was talking to a group in Virginia. I had some books out about all different subjects on the problem of coastal pollution, and I had the issues on medical waste management out on the table. A woman walked up and said, "You know, I manage a big medical office. What do you do with your medical waste?" She was not even aware in Virginia there is a Medical Waste Tracking System going on in other States.

So what you find a lot of times is that people want to have some kind of system to handle this. They don't like the problem that has arisen with medical waste.

On what I call the "nonpoint issue" of medical waste— for instance, the home diabetic or whatever—in Long Beach Township where I live, the Health Department is accepting the diabetics' syringes so that there is a place to take them so that they can be handled properly and not just go into the regular trash.

Senator LAUTENBERG. Are people making use of that?

Ms. KISS. Oh, yes. Before the bill went in I had a lot of people calling as to what to do with their syringes at home. People want to act responsibly.

Senator LAUTENBERG. It's absolutely right. People want to do the right thing, and the message has to get out there that there are places and ways to dispose of material. We have to keep working on it, but medical waste disposal is a national problem. We have all agreed that the tributaries carry this material down and it eventually winds up—it doesn't matter whether it necessarily winds up in the ocean, the fact that it winds up on some shoreline someplace is enough of a negative to want to stop it.

Mr. Stolpe, Bill Muszynski testified earlier that the 12-mile sewage sludge dump site has experienced a fairly rapid recovery since dumping ceased at the site. Have any of your members noticed an improvement in fishery resources at that site? I wanted to confirm that.

Mr. STOLPE. As far as I know, the commercial fishermen have been avoiding the site, probably out of a combination of habit and prudence.

Senator LAUTENBERG. Because as I read it, fish that have been taken out of the site seem to be healthier. I don't know whether they're ready yet for human consumption, but there have been noticeable improvements in the water quality there.

Mr. STOLPE. One of the reasons the site was chosen initially was because it isn't a major fishing area.

Senator LAUTENBERG. It is not?

Mr. STOLPE. Right.

Senator LAUTENBERG. Have commercial fishermen noticed an improvement in the water quality in the last years?

Mr. STOLPE. As I said, they believe that the water quality has improved, both in terms of the composition of it, the contaminants, and the floatables, the obvious stuff.

Senator LAUTENBERG. The visible things are a lot easier to work with because they are so obvious. Do the fishermen test in any way? What is their barometer for water quality?

Mr. STOLPE. Whether the fish are there or not.

Senator LAUTENBERG. That's it. That's a good test; I mean, are things living and doing well? And the State has responsibility for testing the fish for contamination and so forth.

Are your members also the shell fishermen?

Mr. STOLPE. Some, yes.

Senator LAUTENBERG. Some. Because we're talking about an improvement—some of the oystermen are going back out to sea, and we're glad to hear that, finding quantities and quality that looks like they can get started in a serious and vigorous way.

Well, unless you have anything else to add other than the excellent testimony that all three of you gave, you encourage me and the other people who will read this testimony as we continue to pursue the battle for a cleaner ocean and a more liveable world. We are encouraged by the fact that you volunteer and work, that you approach these problems professionally and in a joint way, because each one of us will suffer jointly if we fail to deal with these problems.

So I think things are getting better. As you know, this is not the only problem in the world to face us, but it is also not the only opportunity that the world faces. If we can help prevent our children or their children from dying in a nuclear incineration, we sure want them to enjoy good health and long life with clean water and clean air and not have to worry, if they go to the tap to take a drink of water, whether or not they're jeopardizing their health or the ground that the kids play on or the school buildings that they go into. They ought not to be worried about asbestos and fibers in the air.

So we are learning a lot about the environment in which we live. We are learning that buildings can't always be made so energy-efficient and heat-efficient without running some risk to the quality of the air. But at least there is the interest out there and there is the effort out there, and I predict, for those of you in the room who are very young, in the years ahead you're going to be seeing a much cleaner world. I think for those of us in our mid-years, we're also going to be able to see it in our time.

So we thank you very much, and with that, this hearing is adjourned.

Oh, I do want to thank the Margate community—forgive me for not mentioning the fact that they were very generous, the municipal officials, to make the wonderful site available. No wonder the community functions so well. All of the facilities are here.

We are adjourned, and we are going to be in touch with you through the public media or the private, as the case may be.

[Whereupon, at 11:42 a.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]

[Statements submitted for the record follow:]

STATEMENT OF GOVERNOR JIM FLORIO

BEFORE THE SUBCOMMITTEE ON

SUPERFUND, OCEAN AND WATER PROTECTION

MAY 21, 1990

GOOD MORNING, SENATOR LAUTENBERG.

THANK YOU FOR THE CHANCE TO TALK ABOUT ONE OF NEW JERSEY'S MOST VALUED RESOURCES: THE JERSEY SHORE.

IN THE PAST YOU AND I WORKED TOGETHER, SHAPING LEGISLATION TO KEEP OUR WATER CLEAN AND SAFE. WE WILL KEEP WORKING TOGETHER, BECAUSE NOW, MORE THAN EVER, WE MUST BOLSTER FEDERAL-STATE COOPERATION TO PROTECT THE JERSEY SHORE.

I'M ALSO PLEASED TO BE HERE FOR A DIFFERENT REASON. IT'S ALMOST SUMMER AND THAT MEANS A LOT OF PEOPLE ARE GOING TO BE WONDERING IF IT'S SAFE TO COME TO THE SHORE. I WANT EVERYONE ACROSS THE NATION TO KNOW THAT THE JERSEY SHORE HAS NEVER BEEN BETTER.

FEW PLACES IN THE WORLD RIVAL OUR 127 MILES OF SHORE LINE. OUR WIDE, WHITE SAND BEACHES. OUR BRISK AND BRACING OCEAN WATER.

FEW PLACES BURST WITH SO MUCH LIFE. OUR BRACKISH SALT WATER MARSHES ARE HOME TO ALL KINDS OF FISH AND BIRDS.

AND FEW PLACES GENERATE AS MUCH TOURISM. CLOSE TO EIGHT BILLION DOLLARS WERE SPENT AT THE SHORE LAST SUMMER, MAKING IT TWO-THIRDS OF NEW JERSEY'S ENTIRE TOURIST INDUSTRY.

AS YOU MIGHT EXPECT WE GUARD OUR TREASURE WELL.

THERE IS NO GREATER OPERATION FOR KEEPING BEACHES CLEAN AND WATER PURE THAN THE ONE WE NOW HAVE.

UNFORTUNATELY WE HAD TO LEARN THE HARD WAY THAT WE NEEDED TO DO MORE. A FEW SUMMERS AGO DEBRIS -- INCLUDING FRIGHTENING MEDICAL WASTE -- WASHED UP ON OUR BEACHES. OUR WATER BECAME UNFIT FOR FISH, LET ALONE PEOPLE.

MAY BE IT TOOK A SUMMER AWAY FROM THE SHORE TO MAKE US REALIZE THAT WE COULDN'T LIVE WITHOUT IT. WE MUST NEVER AGAIN WRITE OFF A SUMMER AT THE JERSEY SHORE.

SO WE'RE GOING ALL OUT TO KEEP THE SHORE CLEAN. WE EXPECT A HEALTHY INCREASE IN THE NUMBER OF PEOPLE WHO ENJOY THE JERSEY SHORE THIS SUMMER.

THERE'S A NEW KIND OF LIFEGUARD -- SCIENTISTS, ACTIVISTS, ENGINEERS ARE ALL PITCHING IN. THOUSANDS OF PEOPLE. THEY'RE PICKING UP GARBAGE, TESTING WATER AND WATCHING FROM HELICOPTERS ABOVE.

WE GO AT LOW TIDE TO THE BANKS OF OUR RIVERS AND BAYS, PICKING UP MATERIAL THAT WOULD EVENTUALLY REFLOAT AND MAKE IT TO THE BEACH. AS OF LAST WEEK WE PICKED UP 1.5 MILLION POUNDS OF GARBAGE WE WON'T SEE AT THE SHORE THIS SUMMER.

WE'RE ALSO SKIMMING THE WATER, WITH HELP FROM THE ARMY CORPS OF ENGINEERS, CAPTURING FLOATING DEBRIS. I APPLAUD YOUR

EFFORTS AND CONGRESSMAN PALLONE'S TO PASS LEGISLATION THAT WOULD REQUIRE THE CORPS TO GIVE US THAT HELP EVERY YEAR.

BUT IF WE WAIT FOR THE POLLUTION TO MAKE IT INTO THE WATER, WE'LL BE FIGHTING A LOSING BATTLE. SO WE NOW GO RIGHT TO POTENTIAL POLLUTION SOURCES. THIS YEAR FOR THE FIRST TIME, THANKS TO OUR LAWSUIT, NEW YORK CITY WILL PUT "SUPERBOOMS" AROUND THE FRESH KILLS LANDFILL IN STATE ISLAND. THAT LANDFILL, THE LARGEST IN THE WORLD, HAS BEEN RESPONSIBLE FOR MUCH OF THE POLLUTION ALONG OUR NORTHERN SHORE.

I WILL ALSO SIGN ON WEDNESDAY THE NATION'S TOUGHEST CLEAN WATER ENFORCEMENT ACT, WHICH WILL GIVE US THE TOOLS WE NEED TO PROTECT OUR LAKES, STREAMS, RIVERS AND OCEAN.

AND I KNOW YOU'LL BE PLEASED TO HEAR, SENATOR, THAT THE LEGISLATION YOU AND I SPONSORED TO PREVENT MEDICAL WASTE FROM REACHING OUR SHORE IS WORKING. BY MONITORING MEDICAL WASTE FROM "CRADLE TO GRAVE," WE WILL MAKE SURE IT DOESN'T REST ON OUR BEACHES ALONG THE WAY.

HELICOPTERS LAST WEEK BEGAN FLYING UP AND DOWN THE COAST. THE WORD FROM THE SKY WAS THAT ALL IS CLEAR. BUT IF THEY DO SEE ANY FLOATING GARBAGE SLICKS WE'LL HEAD THEM OFF BEFORE THEY REACH OUR BEACHES.

IF ANYTHING GETS BY US WE'LL KNOW BECAUSE WE ARE TESTING WATER QUALITY UP AND DOWN THE SHORE. WE TEST AT 335 SITES, THE MOST EXTENSIVE OCEAN TESTING PROGRAM IN THE WORLD.

IT'S IRONIC. OUR TESTING PROGRAM IS SO RIGOROUS, MORE SO THAN ANY OTHER STATE, AND WE ARE SO OPEN WITH THE INFORMATION, THAT PEOPLE TEND TO PAY A LOT MORE ATTENTION TO WATER QUALITY AT THE JERSEY SHORE THAN ANYWHERE ELSE. THAT'S WHY I'M PLEASED TO SEE THAT YOU, SENATOR LAUTENBERG, AND CONGRESSMAN HUGHES ARE PROPOSING A LAW TO PROVIDE FEDERAL STANDARDS FOR OCEAN WATER TESTING.

I HOPE FOR THE NATION'S SAKE THAT THOSE STANDARDS ARE AS TOUGH AS NEW JERSEY'S.

AND EVEN THOUGH OUR TESTING IS THE BEST IN THE NATION, WE'RE NOT SATISFIED. OUR DEPARTMENT OF ENVIRONMENTAL PROTECTION IS A PARTNER IN A $100,000 STUDY TO IMPROVE OUR WATER TESTING CAPABILITY. WE ALSO HAVE PUT TO SEA, FOR THE SECOND YEAR IN A ROW, A STATE-OF-THE-ART WATER MONITORING VESSEL.

BUT POLLUTION DOESN'T COME OUT OF THIN AIR. IT EXISTS BECAUSE FACTORIES, AND SAD TO SAY, PEOPLE, AREN'T CAREFUL. OR, WORSE, THEY JUST DON'T CARE. SO I ASK EVERYONE WHO COMES TO THE SHORE TO CLEAN UP AFTER THEMSELVES.

ALL POTENTIAL POLLUTERS, LARGE OR SMALL, SHOULD KNOW THAT THEY CAN NO LONGER "THROW AWAY AND GET AWAY." THAT'S WHY I APPOINTED THE NATION'S FIRST ENVIRONMENTAL PROSECUTOR. ANYONE

THINKING OF POLLUTING OUR WATER AND BEACHES: DON'T. BECAUSE IT WON'T BE JUST YOUR GARBAGE WE'LL PICK UP, WE'LL PICK YOU UP TOO. THE GARBAGE WILL GO TO THE DUMP, AND YOU'LL GO TO JAIL.

WE TAKE SERIOUSLY OUR RESPONSIBILITY TO PROTECT THE JERSEY SHORE. NOT JUST SO WE CAN ENJOY IT NOW, BUT SO IT'S AROUND FOR OUR CHILDREN AND GRANDCHILDREN TO ENJOY.

THERE'S STILL MORE WE CAN DO. THE OIL SPILLS IN THE ARTHUR KILL, AND THE VALDEZ INCIDENT IN ALASKA, SHOULD BE ALL THE WARNING WE NEED OF THE THREAT TO OUR BEACHES. THAT'S WHY I'M PLEASED TO SEE THAT YOU, SENATOR LAUTENBERG, ARE PROPOSING A BILL THAT WOULD GREATLY INCREASE THE LIABILITY OF OIL COMPANIES.

IT TOOK A LOT OF HARD WORK CLEANING UP THE MISTAKES OF YESTERDAY TO MAKE THE SHORE READY TO ENJOY THIS SUMMER. LET'S PREVENT THE MISTAKES OF TOMORROW, SO THE JERSEY SHORE IS READY EVERY SUMMER.

THANK YOU.

TESTIMONY OF
WILLIAM J. MUSZYNSKI
DEPUTY REGIONAL ADMINISTRATOR, REGION II
BEFORE THE
SUBCOMMITTEE ON SUPERFUND, OCEAN AND WATER PROTECTION
OF THE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
MARGATE CITY, NEW JERSEY

MAY 21, 1990

GOOD MORNING, I AM WILLIAM MUSZYNSKI, DEPUTY REGIONAL ADMINISTRATOR FOR REGION II OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA). I AM PLEASED TO BE HERE TODAY AND I THANK CHAIRMAN LAUTENBERG FOR THE OPPORTUNITY TO DISCUSS OUR REGION'S PROGRAMS DEALING WITH THE COASTAL WATERS AND BEACHES OF NEW JERSEY AND NEW YORK.

ON THIS SPRING DAY I LOOK WITH ANTICIPATION AT A SUMMER THAT CAN BE ENJOYED BY THE MILLIONS OF RESIDENTS AND VISITORS AT THE OCEAN BEACHES OF NEW JERSEY AND NEW YORK, SOME OF THE FINEST TO BE FOUND ANYWHERE IN THE WORLD. IT WASN'T SO LONG AGO, 1987 AND 1988 IN FACT, THAT WE WERE STUNNED WITH A SERIES OF VERY REAL EVENTS AND A LITANY OF REPORTS THAT SUGGESTED OUR OCEAN WATERS AND BEACHES WERE TRAPPED IN A DOWNWARD SPIRAL OF DEGRADATION: SIGNIFICANT WASHUPS OF FLOATABLE DEBRIS, INCLUDING MEDICAL WASTE; CLOSURES OF BEACHES DUE TO SEWAGE TREATMENT PLANT MALFUNCTIONS; REPORTS OF DISEASED LOBSTERS AND CRABS AT THE EDGE OF THE CONTINENTAL SHELF 100 MILES OFFSHORE; AND DEAD AND DYING DOLPHINS WASHING ONTO THE BEACHES. I AM HAPPY TO

REPORT THAT CONCERTED EFFORTS AT THE FEDERAL, STATE, AND LOCAL LEVELS IN THE PAST YEAR HAVE MADE A DIFFERENCE, AND THAT WE ARE MOBILIZING TO IMPLEMENT MEASURES THAT OFFER HOPE OF RESOLVING SOME OF THE MORE INTRACTABLE POLLUTION PROBLEMS OF OUR COASTAL AREAS.

1987 SAW SEVERAL MAJOR FLOATABLES INCIDENTS ON OUR OCEAN BEACHES, INCLUDING THE FIRST REPORTS OF MEDICAL WASTE WASHUPS. TWO IN NEW JERSEY ENCOMPASSED MOST OF THE BEACHES IN OCEAN COUNTY, FROM MANASQUAN INLET TO BARNEGAT LIGHT. TWO OTHER EVENTS LED TO LESS WIDESPREAD BEACH CLOSURES ON LONG ISLAND. IN THE SAME YEAR NINE BEACH CLOSURES DUE TO PATHOGENIC RISK OCCURRED IN NEW JERSEY AT VARIOUS BEACHES DURING THE SUMMER FROM LONG BRANCH TO CAPE MAY CITY. NO BEACH CLOSURES DUE TO PATHOGENIC RISK OCCURRED ON LONG ISLAND THAT YEAR.

IN 1988, THE BRUNT OF FLOATABLES WASHUPS WAS FELT ON LONG ISLAND, WITH NINE OCCURRENCES AFFECTING OVER 60 MILES OF BEACHES. ONE BEACH CLOSURE DUE TO FLOATABLES WAS RECORDED IN NEW JERSEY AT SPRING LAKE. THERE WERE TWO BEACH CLOSURES ON LONG ISLAND DUE TO PATHOGENS WHEREAS NEW JERSEY EXPERIENCED SEVEN SEPARATE EVENTS, WITH THE MOST SERIOUS AND LONG-LASTING BEING ATTRIBUTED TO MALFUNCTIONS OF THE ASBURY PARK SEWAGE TREATMENT PLANT. ONE ADDITIONAL BEACH CLOSURE AT SANDY HOOK WAS ATTRIBUTED TO A CONCENTRATED ALGAL BLOOM. THESE EVENTS

CAUSED ALL OF US TO REDOUBLE OUR EFFORTS AT PROTECTING OUR OCEAN ENVIRONMENT.

LAST YEAR, WITH THE IMPLEMENTATION OF AN INNOVATIVE SHORT-TERM FLOATABLES ACTION STRATEGY, ABOUT WHICH I WILL TALK MORE LATER, ONLY TWO FLOATABLES INCIDENTS OCCURRED ALONG WITH FOUR PATHOGEN-RELATED BEACH CLOSURES, ALL IN NEW JERSEY. I FEEL CONFIDENT THAT THE MEASURES TAKEN LAST YEAR, AT THE FEDERAL, STATE, AND LOCAL GOVERNMENT LEVELS, CONTRIBUTED TO THE IMPROVED CONDITION OF OUR OCEAN BEACHES. I'D LIKE NOW TO ELABORATE ON SOME OF THOSE MEASURES.

ONE FEDERAL LEGISLATIVE RESPONSE TO THE RECENT SPATE OF POLLUTION-RELATED INCIDENTS WAS THE MARINE PLASTIC POLLUTION, RESEARCH, AND CONTROL ACT OF 1987 (MPPRCA). IN ADDITION TO CALLING FOR A MAJOR FEDERAL EFFORT IN INVESTIGATING, PROPOSING AND IMPLEMENTING REMEDIES FOR MARINE PLASTIC POLLUTION, THIS LAW AUTHORIZED THE PREPARATION OF A NEW YORK BIGHT RESTORATION PLAN.

UNDER THIS AUTHORIZATION EPA REGION II HAS ESTABLISHED A COMMITTEE OF FEDERAL, STATE, INTERSTATE, AND LOCAL AGENCIES, AND REPRESENTATIVES OF THE AFFECTED PUBLIC, TO PREPARE A PLAN TO RESTORE THE NEW YORK BIGHT FOR THE BENEFIT OF HUMAN USES AND THE MARINE ENVIRONMENT. THE NEW YORK BIGHT MEANS THE HUDSON-RARITAN ESTUARY AND THE ATLANTIC OCEAN WATERS OFF NEW JERSEY

AND LONG ISLAND, NEW YORK TO THE EDGE OF THE CONTINENTAL SHELF, ABOUT 100 MILES OFFSHORE.

WE INTEND THE RESTORATION PLAN TO SERVE AS THE OVERALL UMBRELLA FOR MANAGEMENT OF BIGHT WATER QUALITY. IT WILL PROVIDE A BIGHT-WIDE ECOSYSTEM PERSPECTIVE WITHIN WHICH PROGRAMS AND SITE-SPECIFIC ACTIVITIES CAN BE MORE EFFECTIVELY COORDINATED.

THIS EFFORT IS IN ITS SECOND YEAR, AND A REPORT IS EXPECTED TO BE DRAFTED BY THE END OF JUNE 1990. ALREADY WE HAVE MADE SOME ACCOMPLISHMENTS, ON WHICH I WILL ELABORATE IN JUST A MOMENT. I'D ALSO LIKE TO POINT OUT TWO RELATED EFFORTS RELEVANT TO THE NEW JERSEY COASTLINE, WHICH ARE AUTHORIZED BY THE CLEAN WATER ACT OF 1987, NAMELY, THE NEW YORK-NEW JERSEY HARBOR ESTUARY PROGRAM (HEP), AND THE DELAWARE ESTUARY PROGRAM (DELEP).

THESE TWO PROGRAMS, INITIATED IN 1988, ARE COMPONENTS OF THE NATIONAL ESTUARY PROGRAM AND ARE CHARGED TO PREPARE COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS (CCMP) FOR THE NEW YORK-NEW JERSEY HARBOR AND DELAWARE RIVER AND BAY, RESPECTIVELY. FIVE-YEAR MANAGEMENT CONFERENCES HAVE BEEN CONVENED TO SUPPORT THESE PROGRAMS.

FOR BOTH OF THESE PROGRAMS, THE MANAGEMENT CONFERENCE DECISION-MAKING STRUCTURE IS COMPOSED OF A POLICY COMMITTEE, MANAGEMENT COMMITTEE, SCIENTIFIC AND TECHNICAL ADVISORY COMMITTEE (STAC), CITIZENS ADVISORY COMMITTEE (CAC), AND LOCAL GOVERNMENTS COMMITTEE (LGC). EACH PROGRAM IS FUNDED AT A LEVEL

OF ABOUT $1 MILLION IN FEDERAL DOLLARS PER YEAR, AND REQUIRES 25% MATCHING FUNDS FROM THE PARTICIPATING STATES. FOR THE NEW YORK-NEW JERSEY HARBOR PROGRAM, WORK IS UNDERWAY FOR THE FOLLOWING ACTIVITIES:

- o CHARACTERIZATION OF THE ESTUARY'S ENVIRONMENTAL PROBLEMS;
- o WASTELOAD ALLOCATIONS FOR TOXICS AND NUTRIENTS;
- o BIOMONITORING TO ASSESS ENVIRONMENTAL HEALTH;
- o ABATEMENT OF COMBINED SEWER OVERFLOW (CSO) AND STORMWATER DISCHARGES;
- o REVIEW OF EXISTING REGULATORY PROGRAMS; AND
- o PUBLIC PARTICIPATION AND EDUCATION.

THE DELAWARE ESTUARY PROGRAM IS IN A COMPARABLE STAGE OF DEVELOPMENT, AND IS CONCENTRATING ON 4 AREAS OF CONCERN:

- o WATER QUALITY, AS IT IS AFFECTED BY TOXIC POLLUTION AND NUTRIENT OVER ENRICHMENT;
- o HEALTH AND ABUNDANCE OF FISH AND SHELLFISH RESOURCES;
- o LOSS AND DEGRADATION OF WETLANDS AND OTHER HABITATS;
- o WATER SUPPLY, AS IT IS AFFECTED BY SALTWATER INTRUSION, WITHDRAWALS, AND UPSTREAM DIVERSIONS.

THE NEW YORK-NEW JERSEY HARBOR PROGRAM AND THE NEW YORK BIGHT RESTORATION PLAN PARTIALLY OVERLAP IN THEIR GEOGRAPHIC SCOPE. SINCE THE BIGHT AND THE HARBOR ARE TWO INEXTRICABLY LINKED ECOSYSTEMS, THESE TWO STUDIES MUST BE CLOSELY COORDINATED. IN ORDER TO ENSURE THIS COORDINATION, AND TO

ENHANCE THE PROSPECTS FOR IMPLEMENTATION OF THE NEW YORK BIGHT RESTORATION PLAN, EPA, IN CONSULTATION WITH THE OTHER MEMBERS OF THE NEW YORK-NEW JERSEY HARBOR MANAGEMENT CONFERENCE, HAS DECIDED TO MAKE THE BIGHT RESTORATION PLAN A PRODUCT OF THE MANAGEMENT CONFERENCE. IN THIS REGARD, THE BIGHT RESTORATION PLAN POLICY AND MANAGEMENT STRUCTURE IS ONE AND THE SAME AS THAT OF THE HARBOR ESTUARY PROGRAM.

FOR THE NEW YORK BIGHT RESTORATION PLAN, WE ARE INVESTIGATING A NUMBER OF USE IMPAIRMENTS ASSOCIATED WITH OCEAN POLLUTION: BEACH CLOSURES; UNSAFE SEAFOOD; EFFECTED FISH AND WILDLIFE RESOURCES; AND DANGERS TO NAVIGATION. IT IS CLEAR THAT THE CAUSES OF THESE IMPAIRMENTS DERIVE FROM FIVE PRIMARY AREAS OF POLLUTION CONCERN, WHICH WE CALL MODULES:

- FLOATABLES
- PATHOGENS
- TOXICS
- NUTRIENTS
- HABITAT LOSS AND DEGRADATION

WE ARE NOW IN THE PROCESS OF TAKING A MORE IN-DEPTH LOOK AT THESE POLLUTION MODULES, AND IDENTIFYING STEPS FOR IMMEDIATE, SHORT-TERM ACTIONS.

LET ME TURN FIRST TO FLOATABLES. AS I NOTED IN MY INTRODUCTION, THE SUMMERS OF 1987 AND 1988 BROUGHT A WAVE OF FLOATABLES WASHUPS THAT WERE A DISASTER TO THE COASTAL

COMMUNITIES DEPENDENT ON THE BEACH-GOING PUBLIC. THE PROBLEM MIGHT, IN SOME CASES, HAVE BEEN ONE OF PUBLIC PERCEPTION RATHER THAN PUBLIC HEALTH. NONETHELESS, THE PHYSICAL AND ECONOMIC EFFECTS WERE REAL ENOUGH. BEACH ATTENDANCE DECLINED UP TO 50% IN SOME AREAS DURING THOSE YEARS. GIVEN THIS LEVEL OF IMPACT, WHICH IS PARTLY DUE TO THE INCIDENCE OF FLOATABLES WASHUPS ON OCEAN BEACHES, IT WAS DECIDED EARLY ON TO SEARCH OUT AN INNOVATIVE SHORT-TERM SOLUTION.

THIS SHORT-TERM PLAN, IMPLEMENTED IN THE SUMMER OF 1989, WAS A COOPERATIVE EFFORT OF EPA, U.S. ARMY CORPS OF ENGINEERS (USACE), U.S. COAST GUARD (USCG), NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC), NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP), AND NEW YORK CITY DEPARTMENTS OF SANITATION (NYCDOS) AND ENVIRONMENTAL PROTECTION (NYCDEP).

461 TONS OF FLOATING DEBRIS, 90% WOOD AND 10% OTHER MATERIAL (PLASTICS, PAPER, TIRES, REEDS, ETC.), WERE COLLECTED IN THIS OPERATION, AND FEW DEBRIS-RELATED BEACH INCIDENTS WERE REPORTED DURING THE 1989 BATHING SEASON. THIS WAS A PIONEERING EFFORT TO COORDINATE ACTIVITIES OF FEDERAL, STATE, AND LOCAL AUTHORITIES, AND ONE MEASURE OF ITS SUCCESS IS THE VOLUME OF PLASTICS AND OTHER TYPES OF LIGHTER FLOATABLE DEBRIS RETRIEVED FROM HARBOR WATERS.

THIS SHORT-TERM PLAN AMOUNTED TO ABOUT A $1 MILLION EFFORT AND INCLUDED THE FOLLOWING ELEMENTS:

- COORDINATED SURVEILLANCE BY NEW JERSEY, EPA, AND COAST GUARD HELICOPTERS AND VESSELS;
- REGULAR HARBOR SWEEPS BY THE U.S. ARMY CORPS OF ENGINEERS, TIMED AROUND LUNAR HIGH TIDES AS WELL AS SIGNIFICANT RAINFALL EVENTS;
- NON-ROUTINE CLEANUPS BY THE CORPS TO INTERCEPT DEBRIS SLICKS SPOTTED BY SURVEILLANCE CREWS; AND
- A COMMUNICATIONS NETWORK AMONG ALL PARTICIPANTS, WITH EPA AS THE REPORTING CENTER, WHICH ALLOWED FOR FULL COORDINATION AND EFFICIENCY OF OPERATIONS.

STATE AND LOCAL EFFORTS WERE AN INTEGRAL PART OF THE PLAN. NEW JERSEY IMPLEMENTED A PROGRAM KNOWN AS "OPERATION CLEAN SHORES," WHICH REMOVED ABOUT 3,000 TONS OF DEBRIS FROM 28 MILES OF HARBOR SHORELINE. NEW YORK CITY IMPLEMENTED ITS OWN SHORELINE CLEANUP ALONG 2.5 MILES OF STATEN ISLAND BEACHES. A FISHERMEN'S COOPERATIVE UNDER CONTRACT TO NJDEP SUPPLEMENTED THE CORPS' EFFORT BY CONDUCTING FLOATABLE DEBRIS SWEEPS IN RARITAN BAY. THE NEW YORK CITY DEPARTMENT OF SANITATION PROVIDED BARGES TO THE CORPS AS WELL AS SHORE TRANSFER FACILITIES FOR DISPOSAL OF ACCUMULATED FLOATABLE DEBRIS.

WHILE WIND CONDITIONS IN 1989 FAVORED KEEPING FLOATABLE DEBRIS FROM WASHING ONSHORE, UNUSUALLY HEAVY RAINFALL IN THE

SPRING AND SUMMER WOULD HAVE TENDED TO INCREASE THE LOAD OF FLOATABLES IN OCEAN WATERS. THE FACT THAT THERE WERE ONLY TWO SIGNIFICANT BEACH WASHUPS IN 1989 IS A CLEAR MEASURE OF THE PROGRAM'S SUCCESS. THESE TWO FLOATABLES-RELATED BEACH CLOSURES WERE SINGLE-DAY EVENTS AT SANDY HOOK AND OCEAN CITY, NEW JERSEY. WE HAVE REINSTITUTED THIS SHORT-TERM PLAN FOR THE SUMMER OF 1990 AND EXTENDED IT TO INCLUDE THE NON-SUMMER MONTHS.

WE ARE WELL AWARE THAT THESE SHORT-TERM MEASURES WILL NOT BE ENOUGH TO SOLVE THE FLOATABLES PROBLEM. ACCORDINGLY, WE HAVE DEVELOPED A LONG-TERM PLAN FOR FLOATABLE DEBRIS THAT IS NOW UNDERGOING INTERAGENCY REVIEW. SOME OF ITS ELEMENTS ARE:

- HAVING NEW YORK CITY ACQUIRE ITS OWN OPEN-WATER FLOATABLE COLLECTION VESSELS;
- REORDERING THE PRIORITIES OF THE FEDERAL HARBOR DRIFT REMOVAL PROJECT TO FOCUS ON THOSE SHORELINE AREAS MOST HEAVILY BURDENED WITH FLOATABLE DEBRIS;
- CONTINUING AND EXPANDING THE SUCCESSFUL SHORELINE CLEANUP CARRIED OUT BY NEW JERSEY TO INCLUDE SHORELINES IN BOTH NEW YORK AND NEW JERSEY;
- PLACING RESPONSIBILITY ON SHORELINE OWNERS TO KEEP THEIR SHORES CLEAN;
- MOBILIZATION OF THE PUBLIC THROUGH CITIZEN CLEAN-UP CAMPAIGNS.

- o IMPLEMENTING ABATEMENT OF COMBINED SEWER OVERFLOWS, A PRIMARY SOURCE OF LAND-BASED FLOATABLES;
- o IMPROVING CLEANUP SCHEDULES FOR PUBLIC BEACHES; AND
- o IMPLEMENTING EDUCATIONAL AND OUTREACH PROGRAMS TO CONVEY THE PUBLIC'S ROLE IN REDUCING THE FLOATABLES PROBLEM.

ALREADY ABOUT $2 MILLION IN FEDERAL FUNDS (FROM EPA'S MARINE ESTUARY RESERVATION SET-ASIDE UNDER THE CONSTRUCTION GRANTS PROGRAM) HAVE BEEN EARMARKED FOR NEW YORK CITY TO PURCHASE TWO SKIMMER VESSELS FOR USE IN COLLECTING FLOATABLES IN NEW YORK-NEW JERSEY HARBOR. AN ADDITIONAL APPLICATION HAS BEEN FILED BY NEW YORK CITY TO IMPROVE ITS PILOT PROJECT FOR THE FLOW BALANCE (DUNKERS) METHOD OF CSO CONTROL. THE GRANT, FOR OVER $600,000, WILL ALLOW NEW YORK CITY TO IMPROVE THE PILOT PROJECT'S PERFORMANCE IN CONTAINING FLOATABLES AT THE DISCHARGE POINT. EPA IS NOW REVIEWING THAT APPLICATION AND AWAITING MORE DETAILED PLANS. THE OTHER ELEMENTS OF THE LONG-TERM PLAN ARE NOW ENTERING THE NEGOTIATION STAGE.

ASIDE FROM GENERAL FLOATABLE DEBRIS, MEDICAL WASTE HAS BEEN A PARTICULARLY DISTRESSING FORM OF OCEAN POLLUTION. THE MEDICAL WASTE TRACKING ACT (MWTA) WAS A RESPONSE TO SUCH INCIDENTS IN 1987 AND 1988, AND A TWO-YEAR DEMONSTRATION PROGRAM TO ENSURE PROPER MEDICAL WASTE DISPOSAL IS BEING IMPLEMENTED. SO FAR, EPA REGION II HAS CONDUCTED 423 INSPECTIONS, ISSUED 163 WARNING

LETTERS AND TEN ADMINISTRATIVE COMPLAINTS, AND ASSESSED $650,000 IN PENALTIES. WE HAVE DEDICATED SEVEN POSITIONS TO THIS EFFORT. NYSDEC, WITH 11 FULL-TIME POSITIONS, HAS CONDUCTED 184 INSPECTIONS TO DATE, ISSUING 11 ADMINISTRATIVE ACTIONS, AND NJDEP WITH 19 POSITIONS, HAS CONDUCTED 850 INSPECTIONS, 15 OF THEM RESULTING IN ADMINISTRATIVE ACTIONS.

EPA AND THE STATES HAVE ALSO CONDUCTED AN EXTENSIVE OUTREACH PROGRAM TO OVER 2,000 MEMBERS OF THE MEDICAL PROFESSION. $1.6 MILLION OF FEDERAL GRANT FUNDS HAS BEEN ALLOCATED TO REGION II, OF WHICH $850,000 WILL GO TO NEW YORK, $612,000 TO NEW JERSEY, AND $160,000 TO PUERTO RICO BY JUNE 1990 TO ASSIST IN PROGRAM IMPLEMENTATION. EPA HAS WORKED WITH NEW YORK, NEW JERSEY, AND PUERTO RICO TO PRODUCE 20 SEMINARS FOR THE REGULATED COMMUNITY TO INTRODUCE THE REGULATIONS AND PROCEDURES FOR PROPERLY HANDLING REGULATED MEDICAL WASTE (RMW).

AS PART OF THE TWO-YEAR DEMONSTRATION PROGRAM, EPA WILL SUBMIT THREE REPORTS TO CONGRESS (TWO INTERIM REPORTS), ON MEDICAL WASTE MANAGEMENT IN THE UNITED STATES, IN ORDER TO EVALUATE THE PROGRAM AND DETERMINE THE FEASIBILITY OF MAKING THE MWTA NATIONWIDE AND A PERMANENT PART OF THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA). THE FIRST REPORT REVIEWED THE INFORMATION AVAILABLE AT THIS EARLY STAGE OF THE DEVELOPMENT OF THE MEDICAL WASTE PROGRAM AND SETS OUT EPA'S

INITIAL RESEARCH AGENDA AND DATA COLLECTION EFFORTS. THIS FIRST REPORT IS EXPECTED TO BE ISSUED IN JUNE. THE SECOND REPORT, DESCRIBING THE IMPACT OF THE MWTA PROGRAM AND WHAT IT HAS ACCOMPLISHED TO DATE, IS EXPECTED LATER THIS YEAR. THE THIRD REPORT IS DUE IN SEPTEMBER OF 1991 WHEN THE DEMONSTRATION PROGRAM IS COMPLETED. IT WILL BE A CONCLUSION OF EPA'S EFFORTS WITH THE MWTA AND WILL RECOMMEND WHAT ACTIONS SHOULD BE TAKEN IN THE FUTURE.

ANOTHER AREA OF POLLUTION CONCERN THAT AFFECTS OUR COASTAL BEACHES IS PATHOGENIC CONTAMINATION, OR MORE CORRECTLY, CONTAMINATION BY PATHOGENIC INDICATORS. WHEREAS THERE WERE TWO BEACH CLOSURES DUE TO FLOATABLES IN 1989, THERE WERE FOUR EPISODES OF OCEAN BEACH CLOSURES DUE TO PATHOGENIC RISK. THESE EPISODES WERE ALL IN NEW JERSEY: SANDY HOOK; AVON AND BRADLEY BEACHES; SEA ISLE CITY AND THE WILDWOODS; AND CAPE MAY CITY.

THE CAUSES FOR PATHOGEN-RELATED BEACH CLOSURES ARE OF A MORE LOCAL NATURE THAN THOSE ASSOCIATED WITH FLOATABLES POLLUTION. OVERALL THE OCEAN WATERS IN OUR REGION ARE OF EXCELLENT QUALITY AND HAVE BEEN SO FOR MOST OF THE PAST DECADE, AS SHOWN BY EPA'S NEW YORK BIGHT WATER QUALITY MONITORING PROGRAM AND SIMILAR PROGRAMS CONDUCTED BY STATE AND LOCAL AUTHORITIES. EPA'S MONITORING PROGRAM NOW SAMPLES FOR BOTH ENTEROCOCCI AND FECAL COLIFORM INDICATORS, AND THE EXCELLENT

QUALITY OF OUR OCEAN WATERS IS BORNE OUT BY RESULTS FROM BOTH SAMPLING EFFORTS.

THE PROBLEM WITH PATHOGENS, SPECIFICALLY HIGH FECAL COLIFORM BACTERIA COUNTS (THE MOST COMMON MEASURE OF PATHOGENIC RISK) SEEMS TO COME FROM TWO MAIN SOURCES: LOCAL MALFUNCTIONS OF SEWAGE COLLECTION/TREATMENT SYSTEMS; AND HIGH VOLUMES OF STORMWATER FOLLOWING HEAVY RAINS, CAUSING DIRECT DISCHARGES TO WATER BODIES AND COMBINED SEWER DISCHARGES IN OLDER CITIES, SUCH AS NEW YORK CITY, HOBOKEN, AND JERSEY CITY. THE PHASE II REPORT TO CONGRESS ON THE NEW YORK BIGHT RESTORATION PLAN PRESENTS AN IN-DEPTH ANALYSIS OF THE PATHOGEN POLLUTION ISSUE.

ANOTHER AREA OF CONCERN REGARDING PATHOGENS HAS BEEN THE CLOSURE OF FEDERAL WATERS AROUND THE FORMER 12-MILE SEWAGE SLUDGE DUMP SITE TO SHELLFISH HARVESTING. STUDIES CONDUCTED SINCE THE CESSATION OF SLUDGE DUMPING AT THAT SITE IN 1987 SHOW A FAIRLY RAPID RECOVERY OF THE WATERS IN THE AREA. IN FACT, PENDING STUDIES OF VIRAL AND TOXIC CONTAMINATION OF THE SHELLFISH RESOURCE, THE U.S FOOD AND DRUG ADMINISTRATION IS PREPARED TO REOPEN THE CLOSURE AREA, EXCEPT FOR THE IMMEDIATE VICINITIES OF THE FORMER SEWAGE SLUDGE DUMP SITE AND THE MUD DUMP SITE, TO ALLOW SHELLFISH HARVESTING THERE ONCE AGAIN.

FOR SHORT-TERM ACTION, WE SEE AN OPPORTUNITY TO FURTHER REDUCE THE FREQUENCY OF BEACH CLOSURES DUE TO PREVENTABLE DISCHARGES BY SEWAGE TREATMENT AUTHORITIES AND OTHERS IN THE

REGULATED COMMUNITY. EPA REGION II WILL BE PRESSING FOR VIGOROUS ENFORCEMENT AND COMPLIANCE FOR ALL DISCHARGE PERMITS, AND WILL SEE TO IT THAT PENALTIES ARE ASSESSED FOR EVENTS THAT LEAD TO BEACH CLOSURES OR DEGRADED SHELLFISH WATERS DUE TO CONTAMINATION BY PATHOGENIC INDICATORS. THE WELFARE OF OUR OCEAN BEACHES AND THE COASTAL ECONOMY ARE TOO IMPORTANT TO CONTINUE TO TOLERATE THE OCCASIONAL PERMIT VIOLATION.

BESIDES THIS SHORT-TERM ACTION, LONG-TERM MEASURES WILL BE NECESSARY ULTIMATELY TO CORRECT THE PROBLEMS CAUSED BY STORMWATER THAT CONTRIBUTE TO DEGRADED BATHING AND SHELLFISH WATERS. THE RESTORATION PLAN WILL INCLUDE PROVISIONS FOR SUCH LONG-TERM ACTIONS.

TOXICS, NUTRIENTS, AND HABITAT LOSS AND DEGRADATION ARE ALL ADDITIONAL PROBLEMS ASSOCIATED WITH OUR COASTAL OCEAN. THESE ISSUES ARE BEING CONSIDERED WITHIN THE CONTEXT OF THE NEW YORK BIGHT RESTORATION PLAN, BUT THEY OFFER NO SHORT-TERM RESOLUTION. FOR THE IMMEDIATE TIMEFRAME, THESE PROBLEMS MUST BE DEALT WITH THROUGH A MORE EFFECTIVE APPLICATION OF EXISTING ENVIRONMENTAL PROGRAMS. LET ME NOW TURN TO A FEW OF THESE PROGRAMS TO SHOW YOU HOW WE ARE MAKING PROGRESS.

ONE OF THE PROGRAMS IN OUR REGION THAT RECEIVES A GREAT DEAL OF ATTENTION IS THE OCEAN DUMPING PROGRAM. THIS PROGRAM IS AUTHORIZED BY THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES

ACT (MPRSA) OF 1972. AT THAT TIME THERE WERE NUMEROUS OCEAN DUMP SITES, MOSTLY IN THE NEW YORK BIGHT APEX, FOR A VARIETY OF WASTES, BUT MOST OF THESE SITES HAVE BEEN CLOSED OR RELOCATED IN THE PAST FIVE YEARS. OCEAN DUMPING OF SEWAGE SLUDGE, FOR EXAMPLE, HAS BEEN RELOCATED FROM THE 12-MILE SITE TO THE 106-MILE SITE. OCEAN DUMPING OF INDUSTRIAL WASTE, ACID WASTE, AND CELLAR DIRT HAVE ALL CEASED IN RECENT YEARS, AND THE SITES FOR THOSE DUMPING ACTIVITIES ARE IN VARIOUS STAGES OF BEING PERMANENTLY CLOSED. REMAINING OCEAN DUMP SITES ARE THOSE FOR SEWAGE SLUDGE, WOOD-BURNING AT SEA, AND DREDGED MATERIAL.

THE OCEAN DUMPING BAN ACT (ODBA) OF 1988 REVISES THE OCEAN DUMPING PROGRAM BY MAKING IT UNLAWFUL TO OCEAN DUMP SEWAGE SLUDGE AFTER DECEMBER 31, 1991. THIS ACT AFFECTS THE NINE MUNICIPAL SEWERAGE AUTHORITIES IN NEW YORK AND NEW JERSEY THAT CONTINUE TO OCEAN DUMP THEIR SLUDGE. NEW PERMITS WERE ISSUED TO THESE AUTHORITIES ON AUGUST 4, 1989, AND EPA HAS EXECUTED JUDICIAL CONSENT DECREES AND ENFORCEMENT AGREEMENTS TO ENSURE THAT THE AUTHORITIES AGGRESSIVELY PURSUE THE IMPLEMENTATION OF ALTERNATIVE DISPOSAL METHODS. ACCORDING TO THESE AGREEMENTS, THE NEW JERSEY AUTHORITIES ARE TO CEASE OCEAN DUMPING BY MARCH 17, 1991, AND THE NEW YORK AUTHORITIES ARE TO PHASE OUT THEIR OCEAN DUMPING OPERATIONS BETWEEN JUNE 30, 1991 AND JUNE 30, 1992.

THE INTERIM METHOD OF SLUDGE DISPOSAL CHOSEN BY MOST OF THE AUTHORITIES IS SLUDGE DEWATERING AND LAND DISPOSAL. THE MIDDLESEX COUNTY UTILITIES AUTHORITY HAS CHOSEN INSTEAD TO IMPLEMENT A METHOD OF CHEMICAL FIXATION OF THE SLUDGE, WHICH THEN ALLOWS IT TO BE USED AS LANDFILL COVER. THE OTHER NEW JERSEY AUTHORITIES PLAN TO INCINERATE THEIR SLUDGE AS THE LONG-TERM DISPOSAL METHOD WHEREAS THE NEW YORK AUTHORITIES HAVE NOT YET DECIDED ON A PERMANENT SOLUTION.

ALL OF THE AUTHORITIES EXCEPT ONE IN NEW JERSEY (BERGEN COUNTY UTILITIES AUTHORITY) ARE CURRENTLY MEETING THEIR OBLIGATIONS UNDER THE ENFORCEMENT AGREEMENTS, ALTHOUGH DIFFICULTIES HAVE ALSO RECENTLY BEEN ENCOUNTERED WITH NASSAU COUNTY, NEW YORK. EPA IS CONSIDERING ENFORCEMENT ACTION IN THE ONE CASE NOT IN COMPLIANCE, AND IS COMMITTED TO PURSUING CONTINUED VIGOROUS OVERSIGHT.

WHILE RECENT STUDIES SHOW AN IMPROVING CONDITION AT THE FORMER 12-MILE SEWAGE SLUDGE DUMP SITE, EPA AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) ARE ALSO ENGAGED IN MONITORING AT THE 106-MILE SITE. STUDIES TO DATE SHOW THAT ON AVERAGE, SLUDGE PARTICLES ARE LIKELY TO REMAIN IN THE WATER COLUMN, BECOME ENTRAINED IN THE GULF STREAM, AND BE SUBJECT TO GREAT DISPERSION, WHICH WOULD NOT RESULT IN IDENTIFIABLE IMPACTS TO THE ENVIRONMENT. MONITORING STUDIES ARE CONTINUING AND A REPORT EXPECTED TO BE AVAILABLE THIS SUMMER WILL DISCUSS A

RANGE OF TOPICS RELATING TO THE 106-MILE SITE, INCLUDING: ENDANGERED SPECIES; SETTLING OF SLUDGE SEDIMENT; BIOACCUMULATION; PATHOGENS; AND CRUSTACEAN SHELL DISEASE.

EPA AND THE U.S. COAST GUARD (USCG) HAVE JOINT RESPONSIBILITY FOR ENFORCEMENT OF OCEAN DUMPING PERMIT CONDITIONS. TO ENSURE COMPLIANCE, PERMITS REQUIRE THAT EACH DISPOSAL VESSEL (1) BE ACCOMPANIED BY AN INDEPENDENT SHIPRIDER; (2) BE EQUIPPED WITH AN OCEAN DUMPING SURVEILLANCE SYSTEM (ODSS) UNIT; AND (3) COMPLY WITH THE CONDITIONS OF EPA'S SLUDGE MANIFEST AND TRACKING SYSTEM (SMTS) PROGRAM. THE LATTER PROGRAM USES ABOUT 70 EPA-APPROVED INSPECTORS AND 50 SHIPRIDERS TO MONITOR AND TRACK SEWAGE SLUDGE, AND IS DESCRIBED IN DETAIL IN THE EPA REPORT TO CONGRESS ON SURVEILLANCE AND ENFORCEMENT OF SEWAGE SLUDGE DUMPING.

THE PERFORMANCE OF THE ODSS, OR "BLACK BOX," A REMOTE RECORDING DEVICE WHICH MONITORS EACH OCEAN-GOING BARGE'S LOCATION AND DUMP STATUS, HAS BEEN INCONSISTENT AND EPA ENCOURAGES THE U.S. COAST GUARD TO HAVE THE SYSTEM UNDERGO A COMPLETE INDEPENDENT EVALUATION. EPA ALSO ENCOURAGES THE U.S. COAST GUARD TO INSTALL AND TEST A RELAY ANTENNA THAT WILL EXTEND THE RANGE OF EXISTING RADIO TRACKING FURTHER OUT TO SEA TO PROVIDE REAL-TIME COVERAGE. MEANWHILE, THE CONDITIONS THAT SPECIFY AN INDEPENDENT SHIPRIDER AND THE MANIFEST SYSTEM HELP TO ENSURE COMPLIANCE WITH THE OCEAN DUMPING RESTRICTIONS.

EPA HAS INITIATED A NUMBER OF ENFORCEMENT ACTIONS IN RECENT YEARS. BASED ON A SERIES OF PERMIT VIOLATIONS IN 1988, EPA ISSUED ADMINISTRATIVE COMPLAINTS AGAINST ALL NINE OCEAN DUMPING SEWERAGE AUTHORITIES AND THEIR WASTE TRANSPORTERS. SOME OF THE COMPLAINTS HAVE BEEN SETTLED FOR COMBINED PENALTIES OF $107,000, WHILE OTHERS REMAIN TO BE FINALIZED.

IN TWO INSTANCES DURING MONITORING ACTIVITIES, FLOATABLES WERE NOTED IN THE SLUDGE PLUME AT THE DUMP SITE, ONE IN 1988 AND THE OTHER IN 1989. ONE OF THESE VIOLATIONS LED TO A CRIMINAL INVESTIGATION, AND THE OTHER IS AWAITING FINAL SETTLEMENT. TWO OTHER COMPLAINTS HAVE BEEN ISSUED FOR SLUDGE SPILLS AND OTHER VIOLATIONS, ONE AGAINST NEW YORK CITY IN 1989 AND THE OTHER AGAINST WESTCHESTER COUNTY EARLY THIS YEAR, AND BOTH CASES ARE PENDING. EPA WILL CONTINUE TO APPLY ITS ENFORCEMENT POWER TO ENSURE COMPLIANCE AS LONG AS OCEAN DUMPING CONTINUES.

I'D LIKE TO TURN NOW TO ANOTHER PROGRAM AREA OF TOPICAL IMPORTANCE: CONTROL OF COMBINED SEWER OVERFLOWS (CSO'S) AND STORMWATER DISCHARGES. THESE ARE THE LATEST TARGETS FOR ACTION IN OUR EFFORTS TO ACHIEVE WATER QUALITY THAT SERVES THE NEEDS OF BOTH HUMAN HEALTH AND THE AQUATIC ENVIRONMENT.

COMBINED SEWER OVERFLOWS, OR CSO'S, HAVE RISEN IN IMPORTANCE WITH REGARD TO WATER QUALITY GOALS, AS DRY WEATHER FLOWS HAVE COME UNDER WHAT WE CALL SECONDARY TREATMENT. CSO'S ARE THE RESULT OF STORMWATER COMBINING WITH NORMAL SEWAGE FLOWS TO

OVERWHELM THE CAPACITY OF A TREATMENT PLANT, AND CAUSING AN OVERFLOW, UNTREATED, INTO THE RECEIVING WATERS. THE LINKING OF STORMWATER SEWERS AND SANITARY SEWERS IS A COMMON FEATURE OF AN OLDER CITY'S INFRASTRUCTURE, AND IS FOUND IN MOST OF NEW YORK CITY AND METROPOLITAN NEW JERSEY. FORTUNATELY, NONE OF THE COASTAL COMMUNITIES OF NEW JERSEY AND LONG ISLAND HAVE CSO'S.

EPA ISSUED ITS NATIONAL CSO CONTROL STRATEGY IN 1989 WITH THE OBJECTIVE OF ELIMINATING DRY WEATHER CSO DISCHARGES AND MINIMIZING THE WATER QUALITY IMPACTS OF WET WEATHER OVERFLOWS. NEW YORK AND NEW JERSEY RESPONDED BY SUBMITTING THEIR OWN STATE-WIDE CONTROL STRATEGIES. THE INTERSTATE SANITATION COMMISSION HAS IDENTIFIED OVER 600 CSO'S DISCHARGING INTO THE HARBOR COMPLEX AND ITS TRIBUTARIES. NEW YORK STATE HAS ISSUED PERMITS TO NEW YORK CITY REQUIRING IMPLEMENTATION OF ABATEMENT ACTIONS AND NEW JERSEY ENACTED ITS "SEWAGE INFRASTRUCTURE ACT OF 1988," WHICH REQUIRES EACH MUNICIPALITY WITH CSO'S TO PROVIDE ABATEMENT MEASURES BY 1991.

A SURVEY IN 1988 DOCUMENTED NEEDS OF $16.4 BILLION NATIONWIDE TO CORRECT CSO PROBLEMS. OF THAT TOTAL, THE DOCUMENTED NEEDS OF NEW YORK AND NEW JERSEY MUNICIPALITIES DISCHARGING INTO THE HARBOR COMPLEX IS APPROXIMATELY $5.7 BILLION, AND NEARLY $5 BILLION FOR NEW YORK CITY ALONE. THESE ESTIMATED COSTS WOULD SUPPORT LONG-TERM PROGRAMS THAT WOULD CONTROL, NOT ELIMINATE, CSO'S AND TAKE UP TO 20 YEARS TO COMPLETE.

IT IS CLEAR THAT CSO CONTROL WILL NOT BE AN EASY UNDERTAKING. ONE GROUP HAS ESTIMATED THAT THE COST OF CSO CONTROL COULD RANGE FROM $1,300 TO $2,500 PER CAPITA AS COMPARED TO $50 TO $60 PER CAPITA FOR SECONDARY SEWAGE TREATMENT. STILL, A BEGINNING HAS BEEN MADE WITH NEW YORK CITY HAVING PROGRAMMED $1.5 BILLION OVER A 10-YEAR PERIOD TO IMPLEMENT CSO ABATEMENT, AND NEW JERSEY HAS BEGUN IMPLEMENTING A PHASED PROGRAM TO INSURE COMPLIANCE WITH ITS STATE LEGISLATION AND THE NATIONAL CSO STRATEGY. AS OUTLINED EARLIER, EPA HAS PROVIDED NEW YORK CITY WITH $2 MILLION, AND EPA WILL ASSIST BOTH NEW YORK AND NEW JERSEY MUNICIPAL AUTHORITIES TO THE EXTENT POSSIBLE IN ACHIEVING CSO CONTROL.

THE IMPLICATIONS OF CSO ABATEMENT ARE IMPORTANT. NOT ONLY ARE CSO'S A MAJOR CONTRIBUTORY SOURCE OF FLOATABLES THAT MAKE THEIR WAY OUT TO THE NEW YORK BIGHT AND THE OCEAN BEACHES, BUT THEY ARE A SIGNIFICANT SOURCE OF PATHOGENIC CONTAMINATION AS WELL, NOT TO MENTION THEIR RESIDUAL LOAD OF TOXICS AND NUTRIENTS. CONTROL OF CSO'S IS CRUCIAL IF WE ARE TO ACHIEVE THE WATER QUALITY GOALS WE HAVE SET FOR THE NEW YORK-NEW JERSEY HARBOR.

WITH REGARD TO STORMWATER CONTROL, EPA IS IN THE PROCESS OF DEVELOPING FINAL STORMWATER REGULATIONS WHICH ARE CURRENTLY UNDERGOING INTERNAL REVIEW. THE PROPOSED REGULATIONS WOULD ADDRESS THE FOLLOWING SOURCES:

- o DISCHARGES THAT HAVE A PERMIT ISSUED BEFORE FEBRUARY 4, 1987;
- o STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY, WASTE STORAGE AND TREATMENT, TRANSPORTATION, AND LARGE CONSTRUCTION SITES;
- o LARGE AND MEDIUM-SIZED MUNICIPAL SEPARATE STORM SEWERS (SERVING POPULATIONS > 100,000); AND
- o A DISCHARGE DETERMINED TO BE SIGNIFICANT BY THE REGIONAL ADMINISTRATOR OR WATER DIVISION DIRECTOR;

DISCHARGES EXEMPTED FROM THE REGULATIONS UNTIL OCTOBER 1, 1992 INCLUDE:

- o MUNICIPAL SEPARATE STORM SEWERS SERVING SMALL COMMUNITIES (POPULATION < 100,000);
- o MANY STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRY, AGRICULTURE, WASTE HANDLING, TRANSPORTATION, AND NON-INDUSTRIAL ACTIVITIES;
- o MILITARY FACILITIES;
- o WATER TREATMENT FACILITIES;
- o ZOOS, LAWN AND GARDEN SERVICES, AND GOLF COURSES.

THESE EXEMPTIONS ARE POTENTIALLY IMPORTANT TO THE EFFECTIVENESS OF THE PROPOSED REGULATIONS IN OUR AREA. FOR EXAMPLE, DESPITE THE HEAVILY URBANIZED NATURE OF THE BIGHT REGION, MOST MUNICIPAL AUTHORITIES IN THE COASTAL AREA ARE SMALL, ALMOST ALL LESS THAN 100,000 IN POPULATION, AND MAY

CONTINUE TO GO UNREGULATED UNLESS DESIGNATED ON A CASE-BY-CASE BASIS AS BEING SIGNIFICANT.

I WOULD LIKE TO CLOSE BY STRESSING THAT WE (EPA, THE OTHER FEDERAL AGENCIES, THE STATES OF NEW YORK AND NEW JERSEY, NEW YORK CITY AND OTHER MUNICIPALITIES) HAVE SUCCEEDED IN ACCOMPLISHING A GOOD DEAL OVER THE RECENT PAST WITH REGARD TO CLEANING UP OUR OCEAN WATERS AND BEACHES. TO SAY THIS IS NOT TO MINIMIZE THE TREMENDOUS TASK THAT STILL LIES AHEAD. A CONTINUED COMMITMENT TO TACKLING THE LONG-TERM PROBLEMS WILL BE REQUIRED AND WILL ENTAIL THE EXPENDITURE OF CONSIDERABLE EFFORT AND FUNDS. I BELIEVE THAT THE GOVERNMENTAL AUTHORITIES WITHIN OUR REGION ARE UP TO THE TASK AND I LOOK FORWARD TO FUTURE COOPERATIVE EFFORTS IN MAINTAINING THE GAINS WE HAVE ACHIEVED AND ADVANCING THE COASTAL ENVIRONMENTAL AGENDA TO ITS FULFILLMENT.

THIS CONCLUDES MY PRESENTATION ON THE STATUS OF EPA PROGRAMS AND ACTIVITIES IN THE NEW YORK BIGHT REGION. I HOPE THIS HAS BEEN HELPFUL IN GIVING YOU A PERSPECTIVE ON THE OPPORTUNITIES AND PROBLEMS WE FACE IN PROTECTING AND ENHANCING THE ENVIRONMENTAL CONDITIONS OF OUR COASTLINE AND NEARSHORE OCEAN. I AM PLEASED NOW TO ANSWER ANY QUESTIONS YOU MAY HAVE REGARDING THESE ISSUES.

Alliance for a Living Ocean

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TESTIMONY
OF THE ALLIANCE FOR A LIVING OCEAN
BEFORE THE
SUBCOMMITTEE ON
SUPERFUND, OCEAN AND WATER PROTECTION

MAY 21, 1990

prepared by:

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Mr. Chairman and distinquished members of this committee, on behalf of the Alliance for a Living Ocean (ALO) we appreciate this opportunity to express our opinions on the state of N.J.'s coastal waters, the economies dependent on the condition of N.J.'s coastal waters, as well as where we've been and where we need to go in terms of legislative efforts on the federal, state and local level to protect these coastal waters.

As this topic is extremely broad, and in the interest of brevity, I will touch on a number of issues in a general sense and would be most happy to elaborate on any given issue following the presentation of my remarks.

As a grassroots organization of over 3,000 members throughout the state and, on a smaller scale, on a national level as well, the ALO is the personification of the tremendous cry of concern which focused national attention on our coastal waters in jeoprody in the late '80's. Based on Long Beach Island, N.J., our community has the dubious distinction of being the first coastal community to suffer the devastating effects of a massive 50-mile garbage and medical waste slick which essentially ended the summer tourism season two weeks early on August 13, 1987.

Although it took the chilling witnessing of beaches closed by crossed lifegaurd poles and signs reading "beaches closed due to pollution" to galvanize concerned citizens into action, most life-long residents of the jersey shore would admit that the disturbing signs of deteriorating water quality had been there for several years prior to this horrid event.

The goal of our organization is to end the contamination of N.J.'s coastal waters and to preserve a "living ocean".

In pursuit of this goal, and in conjunction with many state and national organizations working on the myriad coastal issues as well, we have been encouraged by the positive signs of progress on coastal issues.

We also see the tremendous work which still is ahead of us.

For the purposes of this testimony, let us look back over the past three years at the pro's and con's of the progress of coastal water protectio

Sludge Dumping

On the positive side of this issue, N.J. state and federal laws have been passed prohibiting ocean dumping of sewage sludge after 1991. Significa economic incentives kick in after this date to discourage reliance on the ocean as a repository of sludge waste in the future. We hope.

On the cynical side, we have had similar legislation in the '70's which allowed the nine sewage authorities in northern N.J.and N.Y.C. to slip through the loopholes in the law and continue ocean disposal of sludge.

But that was about 15 years ago and involved an entirely different dump site. There are several factors today that are working in favor of a resolution of this problem:

1. Sludge dumping is no longer a serious environmental concern alone. Continued sludge dumping has serious ramifications for the tourism, commercial and recreational fishing economies as well.
2. The level of sustained, widespread citizen concern over the wisdom of continuing ocean dumping, especially in an area of such close relative proximity to one of the richest fishing grounds in the world.
3. Technology for the beneficial re-use of sludge has evolved significantly.
4. Public acceptance of reuse and recycled products is increasing.
5. With improved enforcement of Clean Water Laws, such as with the Clean Water Enforcement Act, the sludge product should be cleaner, improving use options.

N.Y.C. has, in fact, been doing a notable job at researching and explorin all possible avenues for sludge management. Their sludge management consultants have recently reported that they have found markets to accept twice the amount of sludge generated by N.Y.C. at the present time.

On the other side of the river, however, there is still a tremendous amount of foot-dragging by the N.J.D.E.P. to consider any other sludge manangement option other than incineration. Beneficial re-use of sludge is the cheapest, environmentally sensible and fastest way to get N.J.out of the ocean sludge dumping quandary, and the N.J.D.E.P. must be continually pushed to exhaust all sludge management options before resorting to incineration.

Acid and Industrial Waste Dump Site:

On the positive side, the last two private dumpers of industrial waste, Allied Signal and Dupont Corporation, have announced they will discontinue ocean dumping, and the sites have been, or are in the process of being de-designated.

However, in a sense, industrial waste is still being dumped every time the N.Y. harbor is dredged and the dredge material is taken to the dredged spoil-mud dump site and dumped. As N.Y. harbor is close to being ranked the #1 most contaminated harbor in the country due to heavy metal contamination, dredging the harbor and resuspending these contaminants in the water column is unacceptable.

It is bad enough that the life in these waters had to be subjected to these contaminated materials the first time they polluted the waters; As a member of the National Contaminated Sediments Working Group, the ALO strongly opposes the continued practice of recontaminating N.J.'S coastal waters with these dredged pollutants from the N.Y-N.J. harbor area.

Medical Waste:

Although generally a public health issue, medical waste has found it's way into the coastal water quality issue in a bizarre and repugnant way. It has had a devastating effect on the tourism economy at the shore, and to a lesser extent it has effected the fishing industry as well.

On the positive side, there is now state and federal legislation to manifest this waste and there are strong fines and penalties to deter illegal dumping of medical waste.

However, the federal program is only a two year pilot program involving only seven states. Small quantity generators of less than 50 pounds are exempted from the federal program. Small quantity generators can produce enormous amounts of unregulated contaminated waste under this system.

ALO recommends strongly that this program be permanently instituted and including all 50 states and all generators. Additionally, from an environmental standpoint, regulation of hospital incinerators which incinerate medical waste, need to be regulated.

Floatables:

Programs aimed at curbing floatables before they leave the harbor, such as using inmates to clean the harbor shoreline, the harbor skimming program and public education efforts may have a positive effect on reducing floatables which end on N.J.'s beaches. Additionally, Marpol Annex V,

banning the ocean dumping of all plastics, may be having a positive effect on the number of floatables washing in. Last spring, there was a marked reduction in floatables on our beaches just one month after the inmate project was instituted, despite driving winds and rain from the Northeast.

Realistically speaking however, as the Fresh Kills landfill operations has not yet been significantly improved, and there has been no floatable abatement program instituted for the combined sewer overflow problem in northern N.J. and N.Y., and there is no stormwater abatement program instituted for southern or northern N.J. or N.Y. on a consistent basis, making predictions as to the severity of the floatables problem this summer tenuous at best. Unfortunately, Mother Nature is still in control of this very serious problem.

Woodburning:

On a positive note, the EPA announced that the 15-20 year practice of burning rotting excavated timbers and piers from the N.Y.-N.J. harbor area of the coast of N.J., will end in 1991. Woodburning has not only created a potential navigational hazard to commercial and recreational fisherman, but has had potentially serious environmental impact on the ocean due to contaminated particulate matter settling on the ocean surface after combustion. Viable alternative technologies appear to be now on the horizon.

However, there has been talk by the Army Corps of Engineers that indicates that they want to extend the deadline.

ALO strongly encourages members of this committee to support legislation in the Senate similar to the Pallone/Saxton bill in the House, which will mandate the end of woodburning at sea by 1991.

Oil Spill Prevention:

Of growing concern to our membership is the potentially devastating effect of an oil spill on the N.J. coast. As N.Y.-N.J. harbor is the busiest harbor in the country for tanker movement, the potential for such a disaster comes more into focus.

ALO strongly urges federal legislation which incorporates the following minimum oil spill safegaurds:

1. Double Hulls on tankers.
2. Liability rests on the cargo owner regardless of who's carrying the cargo.
3. Oil companies must demonstrate to the Coast Guard or to the appropriate state agency, emergency readiness in terms of equipment and plans and they must be reviewed on a regular basis.

Additional Measures Needed:

One of the undeniable results of the last 3 years is the increased level of understanding, awareness and working knowledge of coastal problems exhibited by our legislative representatives on the state and federal level. We are now at the point where we must call on you to exercise that expertise through innovative leadership to accelerate the implementation of strong measures to protect our coastal waters and to halt further degradation.

We ask the members of this committee to support strong, comprehensive coastal legislation which calls for stricter water quality standards designed to protect coastal habitats, fish, shellfish and wildlife.

Additionally, pollutant limits need to be set in sediments, fish and wildlife. Combined sewar overflows need to be eliminated in the long run, captured and treated in the short run. Existing laws protecting our waterways must be tightened and enforced.

The CZMA needs to be improved, reauthorized and adequately funded. We need to be implementing the best available technology standards towards mitigating stormwater runoff consistently throughout the coastal zone.

Thank you for the opportunity to testify.

Respectfully submitted,

Karen L. Kiss, President,
Alliance for a Living Ocean

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